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Privy Council Minutes
1847-1848

1847
Privy Council at the Palace 17th May at 3 P.M.
Present

The King
Premier

Paki

Kanaina

Keliiakoniue

Te Kuanauoa

Karo

James Young

Kanoa

Mr. Richards

" Idd

" Myllie

Recall of
Consul
General Miller

Mr. Myllie on behalf of the Cabinet explained the circumstances referred to in the Minutes of the Cabinet of the 15th, and that he felt now convinced that a request for the recall of Consul General Miller, could not now be any longer delayed. He went into a long detail of the General's course, showed what pains he had taken to conceal his personalities and offensive private notes and especially since the 12th Ult., referring to what correspondence had subsequently taken place, but asking the Kings leave still to reserve the General's notes marked private -

Mr. Myllie asked the Kings indulgence for not immediately laying these particulars before His Majesty, as he had informed the Consul General on the 30th April that he would do. Although he so said to the Consul General out of respect to the Queen of England and out of charity to the Consul General himself, he wished to allow him still further time to withdraw his notes and save himself. He had thrice invited the Consul General to do so, but in vain, and it was only a day or two ago that he heard that the Consul

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General was talking so improperly & intemperately against the late Verdicts in favor of Mr Judd in his actions with Sudd & Co and the Juries that gave them, as to prove that he was obstinately and incorrigibly hostile to the Government and to the Kings Officers -

Mr Myllie then asked the Kings leave to read the three Resolutions upon which the Cabinet had agreed yesterday -

During all this, Mr Richards interpreted for Mr Myllie -

Mr Judd then interpreted the Resolutions submitted on behalf of the Cabinet.

After reading Mr Myllie's Notes and discussing these Resolutions they were passed one by one, with the most perfect unanimity of the King and Chiefs, after which they were further sanctioned by the following Resolution

Nº A

Resolved that the King and Council approve of and adopt the twenty seven Resolutions submitted by the Premier, Mr Myllie and Mr Judd as the Committee of Resolutions appointed in June last, and that these Resolutions be entered upon the Minutes as Resolutions of the King & Council and have the force of such -

Resolutions of the King and Council 17th May 1847

Translation

Nº 1

Resolved that William Miller Esquire, Her Britannick Majesty's Consul General, by suppressing part of his instructions, under the decision of

the British Government of the 12th of September 1843, relating to the land on the Sea-side claimed by Mr. Charlton, prevented the equitable settlement of that question, under that decision, and from the first engendered suspicions of his wish to deal fairly and frankly with this Government, which suspicions were increased by his withholding all knowledge from this Government of the joint declaration of Great Britain and France, till long after the Government had received from their Commissioners a copy of that declaration.

N^o 2.

Resolved that in the opinion of this Government, William Miller Esquire Her Britannick Majesty's Consul General, in place of endeavouring in concert with this Government, to verify Mr. Charlton's alleged title, the power of the alleged Grantor, and the rights of Native owners and occupants, applied himself to collect evidence upon his own Authority, in a way not allowable by the usages and laws of the Kingdom, and to take declarations of witnesses, all which evidence and declarations are incorrect, and would be objected to in material points by the very parties whose declarations he professes to have taken.

N^o 3.

Resolved that some of those parties having given contrary testimony on Oath, before the King and Premier, William Miller Esquire, Her Britannick Majesty's Consul General, in official letters and communications published in the "Sandwich Islands News", under the name of Mr. R. C. Junior, has broadly insinuated

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charges of something very like perjury against
some of those witnesses, and subornation of
perjury on the part of the Government, for which
charges this Government know positively that
not the smallest foundation exists -
No 4.

Resolved that William Miller Esquire, Her
Britannick Majesty's Consul General, in his
notes on the proceedings of the Court in the
case of Greenway versus Charlton for specific
performance of Contract imputed motives to
the Court, to the Kings Officers and to the
Government, altogether unfounded, perverted
facts, asserted principles opposed to law,
equity and justice, and attempted to prevent
the Agent of Mr Greenway from appealing
from a verdict considered by him, and many
others, to be glaringly unjust and contrary
to evidence -

No 5.
Resolved that the violence of William Miller
Esquire, Her Britannick Majesty's Consul
General, in the Kings Palace on the 17th of March
1846 - the anniversary of His Majesty's Birthday,
without any provocation on that day, has never
been explained or apologized for, and that
therefore, the King apprehensive of some similar
outrage if He should receive congratulatory
visits on the 17th of March last, for the sake
of peace and quiet, embarked for Lahaina,
Island of Maui, to pass his Birth-day there.

No 6
Resolved that in the opinion of this Government,
it was the duty of William Miller Esquire,

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Her Britannic Majesty's Consul General, to have cautioned Mr. R. C. Janion as a British Merchant, against the risk of buying Mr. Charlton's alleged Title to the land called Pulaholako in the face of a caveat previously issued and published on behalf of the Native Claimant to that Land, in place of which, the Consul General not only encouraged it, but made himself a party of the arrangement, by asserting that Mr. Janion was entitled to interest at 12 per cent and damages upon the ground of the issue of that Caveat, though the issue was previous to the date of Mr. Janion's alleged Contract with Charlton, and by guaranteeing the goodness of Mr. Charlton's title, though fully cognizant that that title had never been produced and duly examined before any competent authority of this Government, as required by the Decision of London of the 12th September 1843, and that the British Government had been requested to review that decision on fresh evidence

No. 7.

Resolved that in the opinion of this Government, William Miller Esquire Her Britannic Majesty's Consul General, in like manner promoted Mr. R. C. Janion's claim to erect a Wharf or Wharves in front of the land called Pulaholako, contrary to the terms of Boti's grant to Mr. Charlton in July 1827—contrary to the understanding of Boti and the Chiefs at the time of what really belonged to Mr. Charlton as land in front of which he could lawfully erect a Wharf or Wharves—contrary to the fact that Mr. Charlton did make use of that privilege granted by Boti by

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erecting a Wharf in front of the land then known
to belong to him, and contrary to the Consul General's
well known previous declaration that all that
he claimed for Mr. Charlton was the land comprised
within Plot marked A in the Map, made by the
Officers of H.B.M.'s S. Mideste, and marked B in
the Map, in the Investigation at the Palace, Page 75.

N. 8.

Resolved that in the opinion of this Government,
William Miller Esquire Her Britannick Majesty's
Consul General, has long desired to induce Mr.
Charlton, or some one else in his name, to bring
an action of damages for the sale, in 1844, of the
Beretania House & Premises, under an execution
to cover the amount of a Judgement in favor of
the British Firm of Sewell & Patricson, reviewed
and confirmed by the British Government,
although the Consul General not only did not
object to the sale at the time, but at the sale,
offered to guarantee the title, and was a spirited
Bidder himself,

N. 9.

Resolved that in the opinion of this Government,
the obstinacy of William Miller Esquire, Her
Britannick Majesty's Consul General, in refusing
to vacate the Beretania House & Premises on
the 10th of April 1846, as provided for in the written
Lease of that date signed by himself - to pay the
additional rent suggested by Mr. Judd, or leave
all matters in dispute relating to the Lease to
be decided by Arbitrators is an open contempt
of the King's authority and of the law, of most
pericious example to all British subjects
and other Foreigners -

N^o 10.

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Resolved that in the opinion of this Government, all the charges brought against this Government by William Miller Esquire Her Britannick Majesty's Consul General, in the cases of Thomas Phillips, Joseph Booth, Andrew Auld, James Rudderick and Alexander Adams, are without any foundation and that no complaint against the Government or its Officers would ever have been heard of by either of these Men if the Consul General had only taken pains to inquire impartially into their several cases and advised them to seek redress in the way prescribed in the second article of the British Treaty -

N^o 11.

Resolved that while William Miller Esquire Her Britannick Majesty's Consul General, stirs up simple British Subjects to complain against the Government, on grounds either altogether imaginary, or not sustainable under the second article of the British Treaty, so far as known to this Government, he has altogether neglected the large interests of British Subjects involved in the Estate of the Americana Firm of Mess^{rs}. Ladd & Co, and abetted the groundless and vexatious action of that Firm against the Government for \$378,000.

N^o 12.

Resolved that William Miller Esquire, Her Britannick Majesty's Consul General, ever since his arrival on these Islands has associated himself most intimately with a few Citizens of the United States, notorious as Men of desperate fortunes and characters and as enemies to the Government - that publicly and privately he

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has expressed his dislike of, and contempt for,
the King's Government and Ministers, and that
the latter are unable to have any social inter-
course with him or repose any confidence in
him.

Ex. p. 13.

Resolved that William Miller Esquire,
Her Britannick Majesty's Consul General, has
attempted to draw an insidious line of distinc-
tion between the Native Rulers and those of
the King's Ministers who are of foreign origin,
representing the latter as Usurpers, as subjecting
the King to constraint and as the only individ-
-uals who are really opposed to his peculiar
views in regard to Mr Charlton's claims;
for all which there neither ever has been
nor exists any foundation whatever.

Ex. p. 14

Resolved that in the belief of this Government,
William Miller Esquire Her Britannick Majesty's
Consul General, by the distinction aforesaid
seeks only to sow dissention, disunion and
distrust between the Natives and the King's Foreign
Officers, inasmuch as his keeping back all
evidence of Native rights in the land called
Pulakolaho, his charges against the Governor
in the cases of Thomas Phillips and Joseph Booth
and against the sheeps Pake and Karuana,
in the case of James Redback, show that he
has no sympathy for Natives, even of the
highest rank, and that he is unwilling to allow
them a regular hearing in the Tribunals of
their own Country.

Ex. p. 15.

Resolved, that in the belief of this Government,
William Miller Esquire Her Britannick
Majesty's Consul General, on his arrival in
February 1844 found only one feeling of love
and respect for, and confidence in Great Britain,
established among all classes by Rear
Admiral Richard Thomas and that that
feeling would have continued to this day, if
Consul General Miller had only pursued
the same kind, courteous, just, polite and
impartial course that eminently distinguished
the public and private conduct of that
gallant British Officer while residing on
these Islands.

N^o 16.

Resolved, that in the belief of this Govern-
ment, William Miller Esquire, Her Britannick
Majesty's Consul General, in the indulgence of
personal spites and prejudices, causelessly
entertained ever since his arrival, has
acted as if he had been sent out with Judicial
powers paramount to any that exist on the
Islands, and with instructions to harass,
embarrass, discredit and weaken the King's
Government in every possible way, and that
supposing the United States had any sinister
views upon these Islands (which is not believed)
he has so abetted and joined in with the late
American Commissioner, George Brown Esq^r,
the late Consular Agent William Cooper Esq^r,
the late Consul Alexander G. Abell Esquire
and the Partners of the American Firm of
Mess^{rs} Ladd & Co, as best to promote and
justify any such attempt, and lead the

King and His Government to despair of any sympathy from Great Britain, because forsooth the King has some foreign Advisers round his person -

No. 11

Resolved, that on the belief of this Government, William Miller Esquire Her Britannick Majesty's Consul General, has been one of the chief originators and supporters of, and contributors to a scurrilous print called the Sandwich Islands News, whose Nominal Proprietors are Mr. A. G. Abell and R. C. Janion Esquire, both resentful against the Government for supposed injuries received, which Print has lampooned the Kings Ministers, depending even to the most minute particulars of their very humble official ensignia, advanced Revolutionary and Anti Monarchical doctrines, published garbled official correspondence of the Consul General with the Department of Foreign Relations, attacked the laws and the Courts, preached up secret intentions of the British Government to take possession of the Islands, notwithstanding the Queens gracious Ratification of the Treaty of 26th March 1846, from their dislike to the Kings Foreign Advisers, and inserted under the name of Mr. A. C. Janion, extracts and observations prepared by the Consul General from the Missionary Herald, respecting Naramoku, Boki &c, calculated only to disguise the truth, and mislead those, who not having time or inclination to examine those same Heralds for themselves may fall into the error of believing

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that the quotations are fair and not most shamefully
garbled and partial, which the Government, when
required, are prepared to prove -

N^o 18.

Resolved that William Miller Esquire, Her
Britannick Majesty's Consul General, has not by
any influence that he has exerted or endeavours
that he has made, settled one case of British
"grievance" since his arrival on the 3rd February
1844, promoted union among British Subjects,
or in any way advanced British interests on these
Islands -

N^o 19

Resolved that William Miller Esquire Her
Britannick Majesty's Consul General does not
appear to enjoy the good will or confidence of any
British Subject residing on the Islands that from
education and social standing can be called a
Gentleman, excepting perhaps Mr A. C. Lanyon,
who has allowed himself to be mixed up in
interests with Mr Charlton, in a way not
expected of him as a British Merchant, and
which this Government have still to clear up.

N^o 20

Resolved that this Government have reason
to believe that William Miller Esquire Her Britannick
Majesty's Consul General, from his treatment of
British Subjects who have been his domestics,
of Mr. Sea, of Mr. Miller and of the Agents of
the Hudsons Bay Company, is not to be won
by any services rendered or acts of favor shown,
but that on the contrary no British Subject can
have such relations with him without danger to
his own character so far as he can asperse it.

N^o 21

Resolved that this Government do not believe that William Miller Esquire, Her Britannick Majesty's Consul General would have dared to pursue the course that he has pursued towards the Government and towards individuals, almost uniformly, since his arrival on the Islands, were he not impressed with the belief that by official rule, his own communications will be the only ones read and believed at the Foreign Office, and that the Representations of this Government will be set aside as irritatingly long and annoying, which doctrine he has not been slow to avow, upon many occasions, both to Officers of this Government, and to others.

N^o 22

Resolved that in the belief of this Government William Miller Esquire Her Britannick Majesty's Consul General, is altogether unable to understand any law or business question of any importance, as shown by his own notes on the proceedings of Greenway versus Charlton, by the grounds he has taken in the cases of Thomas Phillips, James Riddack and his own Lease of the Bere-tania Premises and so far from being able to adjudicate upon Mercantile questions or differences of accounts between British Merchants, he cannot rightly understand the plainest account of Debtor and Creditor when placed before him, which total ignorance of accounts the Government are ready to prove.

N^o 24*

Resolved that for all these reasons, and others apparent in the resolutions of the King and Council

* There is a mistake here in the numeration (19) R. C. W.

of the 18th June 1846, the residence of William Miller Esquire, here, as Her Britannick Majesty's Consul General is not pecurable for his own honor nor promotive of British interests or influence here, not consistent with the friendship of the British Government of which these Islands have had so many proofs, nor compatible with the peace and harmony which the Government desire to cultivate with, and the confidence they desire to repose in, Great Britain -

No. 25.

Resolved that William Miller Esquire, Her Britannick Majesty's Consul General on the 17th of March 1846, without any provocation then and there received, was guilty of a high contempt in the King's Palace, and that the King would have been justified then, under the laws of Nations, in suspending intercourse with him; and that having, as it appears, on the 17th ultimo, addressed a Note to the Minister of Foreign Relations (after various gratuitous insults for which any Gentleman would have hastened to apologise) of a tendency to induce a breach of the peace, which note the Consul General has declined to withdraw, the time has at last arrived when the Government must request the recall of Consul General Miller and the appointment of an officer capable and desirous of maintaining harmonious relations with the officers of this Government.

No. 26.

Resolved that the Minister of Foreign Relations is hereby instructed to forward Copy of these Resolutions to the King's Commissioner in London, together with Copies of the Documents

required to enable Her Britannick Majesty's Government; Only to understand the question arising in relation to the refusal of William Miller Esquire to comply with the terms of his Lease to have the question decided by Arbitrators or to say that he will allow it to be decided in Court, or that he will pay an additional rent, with a request that the British Government, order so much of his salary to be retained as may cover his liability for eight hundred dollars per annum rent from the 10th of April 1846, and two hundred dollars claimed for damage done by cutting down trees, or whatever amount a jury or Arbitrators may award for that damage or other damage that may be detected when he vacates the Premises.

No 27.

Resolved that a copy of the foregoing Resolutions be passed by the Minister of Foreign Relations to William Miller Esquire, Her Britannick Majesty's Consul General, with an intimation that in the opinion of this Government until the pleasure of the British Government be known in regard to his recall, it is for the honor of both Governments and indispensable to prevent fresh aggravations that his intercourse with the Departments of this Government cease from this date, except officially in matters that have already been referred to the British Government and in other matters which may hereafter arise connected with British interests on the Islands, and in which under the Treaty of the 26th of March 1846 he may have occasion to act officially.

Resolved that a copy of the foregoing Resolutions be passed by the Minister of Foreign Relations to the Commander in Chief of Her Britannick Majesty's Naval Forces in this Ocean, for his information.

Palace 17th May 1847.

Afterwards a draft of the Kings letter for the Queen of England was read and discussed

Translation

To Her Most Gracious Majesty
Victoria
of Great Britain and Ireland
QUEEN
Defender of the Faith
&c &c &c

Gods Blessing

I am truly grateful for the manner in which it has pleased your Majesty to ratify the Treaty of the 26th of March 1846. Condescend, oh, Great and Gracious Queen to receive the thanks of the whole Nation over which the Almighty has placed me. Your Majesty had rights over my Kingdom, originating in the deliberate Acts of my Predecessors; Your Majesty has waived those rights, preparing that my Islands should be recognized as a Sovereign State, for the equal benefit of all Mercantile Nations; and I consider that no other Nation can claim to exert over Me and My people a paramount influence, which Your Majesty.

has graciously relinquished. If any Nation should assert such a claim upon any pretence whatever, I shall confide in Your Majesty not to permit it. I understand Your Majesty's Qualification to mean that Your Majesty will not suffer any one to violate that Treaty, and I believe that any attempt against my Sovereignty would violate the Treaty.

It is my desire that the affection for Your Majesty and the friendly relations with Your Kingdom, reestablished by Rear Admiral Thomas, be continued here, during my Reign and all succeeding Reigns. But this cannot be with William Miller Esquire, Your Majesty's Consul General. He does not follow in the good ways of Rear Admiral Thomas. He does not respect my Government nor my Officers, but associates with bad Men, not Subjects of Your Majesty, who oppose my Government, ridicule my Officers laws and Courts, and do not pay their own debts.

I pray Your Majesty to be pleased to recall William Miller Esquire and appoint some one of Your Majesty's Subjects as Your Representation here who will be kind to Me and My people, as Your Majesty has always been, who will help my Government, as yet young and inexperienced, in their difficulties, nor to heap contempt and insult upon my Officers.

Your Majesty's Subjects residing under my Jurisdiction will then follow the example of Your Majesty's Representation in respecting the Authorities and the laws;

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there will be no trouble and no complaints: there
will be nothing but mutual love, respect and
confidence, to the latest generation -

May God preserve Your Majesty
in health, honor and peace for many Years.

Your good friend

(signed) Kaimhamcha

Palace 17th May 1847

Written and signed by the King

(signed) R. C. Wyllie

Minister of Foreign Relations

The King ordered Mr Wyllie, with his Compt:
to send a copy of the letter, in discretionary
confidence, to his good friend Admiral Thomas.

Mr Wyllie then reminded the

Return of
Mr Ricord's
Oath of Allegiance

King and Council of the wish before expressed by
Mr Ricord, that so much of his Oath of Allegiance
of the 9th of March 1844 as referred to abjuration of
Native Allegiance should be expunged and to have
a certified copy of his Oath, without that
clause - Mr Wyllie stated his reasons for
recommending the King to cancel the Oath
entirely, and for thinking that there were
special reasons for doing so, not likely ever
again to recur, and that therefore no injurious
precedent could be established. Mr Wyllie expressed
the fullest confidence that Mr Ricord's sense of
honor and of self respect, would be sufficient
without any Oath, for him to preserve strict
fidelity to His Majesty, on all matters from
the 9th of March 1844, to this date.

After some discussion the
following Resolution drafted by Mr Wyllie:

was passed

N^o B

Resolved that having heard and considered the special reasons for the advice given by the King's Ministers, for returning to John Ricord Esquire, the Oath of Allegiance taken to His Majesty on the 9th of March 1844, that oath be returned to Mr. Ricord, through the Minister of Foreign Relations, and that a Notice be published in the Polynesian, that the King has been pleased to cancel that oath, and absolve Mr. Ricord from all allegiance to His Majesty from this date -

Mr. Ludd read the following letter which he had received from the Arbitrators

Honolulu May 17th 1847

Sir,

Ladd H^{rs}
withdrawal
from the
Arbitration

We beg to inform you that Mess^{rs} Ladd & Co Plaintiffs before the Arbitration under the Compact of 13th July 1846 have notified us of their formal withdrawal from said Arbitration.

We therefore consider ourselves released by such withdrawal from further duties or responsibilities as Arbitrators under said Compact and shall at our earliest convenience be prepared to account with the parties for the expenses incurred by said Arbitration, and also to deliver up to the respective parties, the documents &c now in our possession belonging to them

We are, Sir,

Your obedient Servants

John Ricord Esquire
late H H M^{rs}
Attorney General
&c &c &c

(Signed)

Stephen H. Williams
Jas. F. B. Marshall

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The letter was reserved for further consideration, after ascertaining fully how far that withdrawal could affect the Government or disappoint it of its hopes of permanent peace and quiet. Till this should be done, the Government could not say how far it would allow the Arbitration thus to terminate. All past experience led them to fear traps. To explore dangers ahead, investigate facts and propose measures to settle every thing justly and permanently Mr Wyllie proposed the following Resolution which was adopted.

. N^o C

Resolved that Mr B O Sudd, Minister of Finance be empowered to represent the Government, in all matters relating to the final settlement of all their claims on Messrs Ladd & Co, and of all claims by them on the Government, under the Compact of 13th July 1846, now withdrawn by Messrs Ladd & Co, and under the Resolutions of the King and Council heretofore passed relating in any way to the same matters, which Resolutions he is to consider as his rules of action; and that Mr Sudd so notify officially the Arbitrators, with a request that they make it known to all whomsoever it may concern; and that Mr Sudd report his future proceedings to the King in Council.

Commission
to Mr
Eldredge
of Lima

The King and Premier signed that Commission in original & duplicate, and Mr Wyllie was ordered to forward it with a letter of credence in favor of Mr Eldredge with what personal instructions he might consider necessary.

1847

Privy Council at the Palace 29th June 10 A. M.

Present	King	Premier	Queen
	Pahi	John Li	
	Kanaina	Kaer	
	Richards	Sudd	
	Myllie	Niamakehu	
	Pakea	Kehuakouui	

G. J. Allan

Mr Myllie made known to the King in Council that Mr Allan contemplated leaving the Islands in a short time.

After remarks upon the quiet, orderly and honorable conduct uniformly observed by Mr G. J. Allan the King commanded Mr Myllie to convey to Mr Allan, His Majesty's appreciation of Mr Allan's honorable character with an expression of His Majesty's regret that Mr Allan is so soon to leave the Islands, and His Majesty's hope that Mr Allan may soon return with renewed health as his example is valuable in this community.

Communicated
officially to
Mr Allan on 3rd
July 1847 - See
Mr Myllie's letter
of that date

Mr Ricord's
vacating his
Premises

Mr Myllie requested Mr Richards to read Mr Ricord's letter of the 28th of June, notifying that he had vacated the Premises lately occupied by him as Attorney General.

The letter is as follows

Honolulu June 28th 1847

Sir

I have the honor to inform you
that I have vacated the Premises (Kanaana)
R. C. Myllie
Minister of Foreign Relations

occupied by me as a residence, during my incumbency in office as His Hawaiian Majesty's Attorney General.

Have the goodness so to inform His Majesty's Privy Council & express to His Majesty my acknowledgements for their gratuitous use. I have the honor to remain with much consideration

Your very obedient Servant
(signed) John Ricord.

The King ordered the letter to be passed to the Minister of the Interior.

On the 24th June 1847 he writes to Mr Young for a Lease of 335 $\frac{1}{4}$ Acres of land at Kumu, at 50 cents, for fifty years to plant Sugar

Voted in the Affirmative

Captain Penhallow's letter of this date to Mr. Ingham on the subject of the filling up of the Port was read, and after some remarks, it was proposed that Captain Baillie & Captain de la Borque with Judge Lee, should be requested to give their opinion upon the question of what ought to be done with a view to remedy the evil.

Mr Richards drew up the following Resolution which was passed.

"Resolved that the Governor Kamehameha be directed to request Captain Baillie and Capt. De Borque to accompany Mr Lee and examine

King's
claim for
Land

Filling up
the Port

"into the Mouths of the River which empty into
 "the Harbor of Honolulu, and give their opinion
 "as to the best means to prevent the wash from
 "filling up the Harbour, whether it be necessary
 "to destroy the fish-pond and how much of it -
 "whether it be necessary to build any new
 "wall and how much, and give the result
 "of their opinions in writing."

Mr Wyllie's
 efforts to pur-
 chase the
 house plot
 of Maunak-
 ilike

The business being done, Mr Wyllie
 remarked as the King was present, he would
 take the liberty of inquiring if He was
 inclined to sell the House in which Mr Wyllie
 lived - that he had occupied it, as if on
 sufferance for more than two years, without
 considering himself at liberty to erect even a
 Cook-house, lest he should be accused of
 trespassing upon land that did not belong
 to him, but that he had often felt the want
 of a Cook-house, and latterly Mr Stuppelbeen
 had changed his Cook and sent him, in,
 his meals so badly cooked that Mr Wyllie
 had often been ill - that Mr Wyllie had
 patiently lived in this wretched way, ever
 since he was a Government Officer, suffering
 discomforts that he had never endured before,
 and that, for the sake of his health, he would
 buy the Premises of the King, at a fair rate,
 so as to be able to put up a Cook-house, if the
 King was disposed to sell them.

Mr Wyllie requested Mr Sudd to
 interpret what he had said to the King.

Mr Sudd with a look and manner
 not very obliging, virtually declined, saying

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to Mr Richards — "You repeat that to the King" ²⁷

Mr Richards very mildly did interpret what Mr Wyllie, or part of what Mr Wyllie had said to the King, who afterwards was represented as replying that He was willing to sell the Premises, and that the Premier & Mr Ludd were the Parties to fix upon the Price.

Mr Wyllie, from the manner in which the question was received, thinking that it was misunderstood or disrelished, stated that if the King wished to retain the Premises for the Government or attached any particular value to them, as he (Mr Wyllie) had no private interest, in the matter beyond what he had stated, he would say nothing farther on the subject.

Mr Richards replied that the King and Government had always wished to retain in their own hands all the lands adjoining the Port, but that he did not know how far they were now of that opinion, and the matter, here, dropped.

The King said there was no further business to be done and the Council broke up at 1/2 past 1 P. M.

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See Mr Wyllie's Note page 163

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1847

Privy Council at the Palace 26th July

Present The King

Premier

Paki

John Si

Kanaia

Kaeo

Kapaakeu

Namiakeha

Mr. Sudd

Mr. Richards

Mr. Myllie

Mr. Jasper's
proposal
for Jane

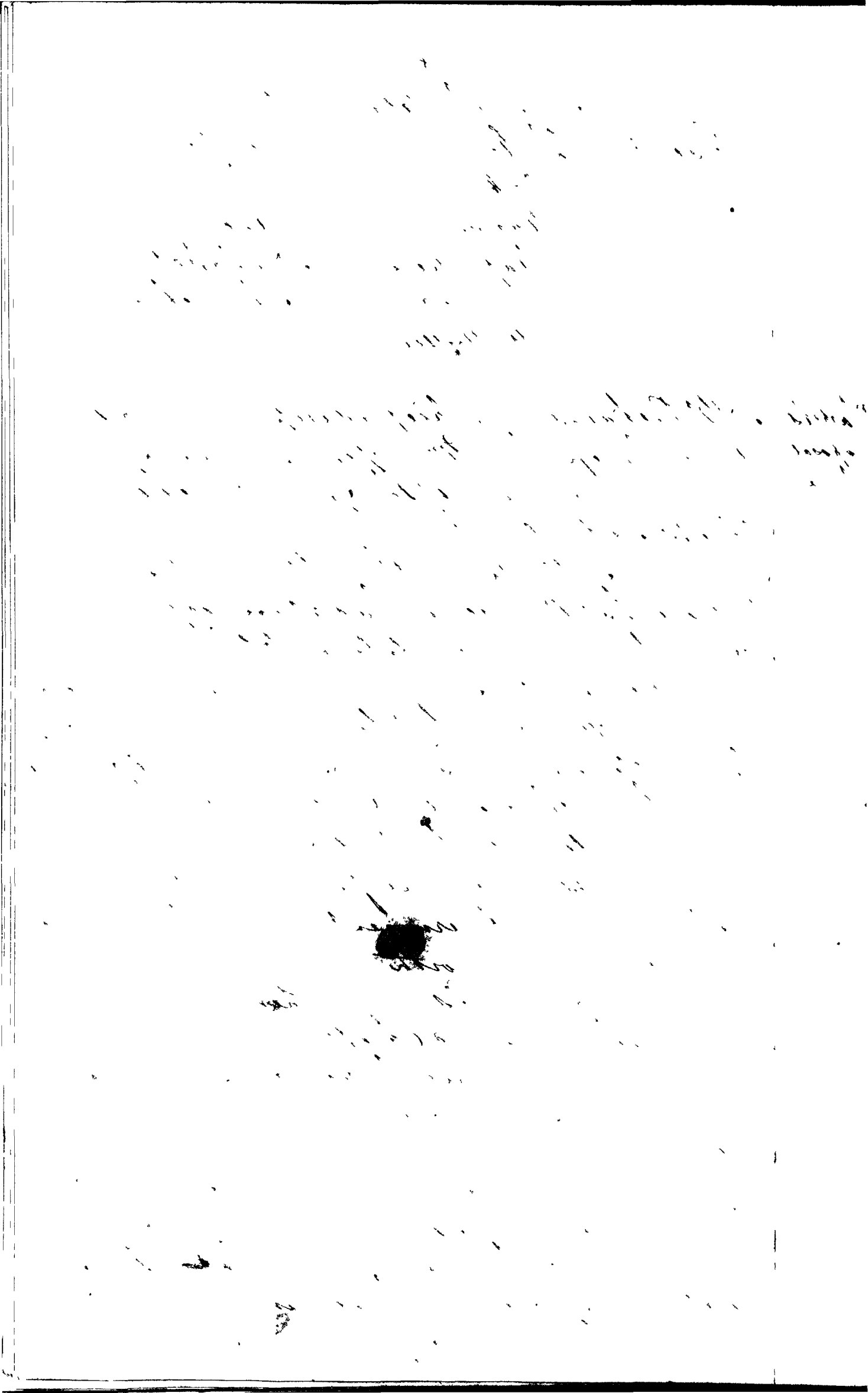
Mr. Richards in a brief address informed the King & Chiefs that Mr. Jasper had made a proposal to marry Jane, one of the young ladies of the Chiefs School -

Mr. Myllie thought it just to Mr. Jasper to state that Mr. Ricord had always expressed a very high opinion of his talents & character - that Mr. Myllie has always found in what intercourse he has with Mr. Jasper that he was a high-spirited, honourable Man - that he was a Native of Baltimore one of the Southern States & possessed all the ideas that characterized the Southerners, which in many respects were more favourable to a Monarchical form of Government than what prevailed in States farther North

There was some further discussion between the King and Chiefs -

Mr. Myllie begged to add that Mr. Jasper had served as an officer in the U. S. Army in Florida -

Resolved that the Members of Privy Council present give their opinion separately and afterwards that the Premier take that of those who are absent, especially of the more immediate Guardians of the young lady -



They all gave their opinions one by one
Kanauna and Kaco expressing themselves doubtfully

The King wound up by saying, it was all
very well that they (the chiefs) should every one
give their opinion, but that in his view, if the
two persons were agreed, the question of the marriage
should be left with the natural Guardians of
the young Lady

All yielded to this opinion -

Kings pardon
of Kahalo-
moku

Mr Sudd brought this mans case before the King,
(his crime was Arson) and His Majesty was pleased
graciously to pardon him, from the 31st of July in
the following terms - "He ae aku nei an ike
ia Palapala eiei mai ana ana laila Ke
Kala aku nei au ikona hewa ahiki iku la
31 Iulai Alaila o Kalaxia kona hewa
Kamehameha

Mr Ruckers
letter of 5th
December 1846

This letter was read and it was agreed that Mr
Sudd should reply to the letter, without holding
out any inducement to him to come to the Islands,
under his avowed object of acquiring power & money.

Restoration
Festival of
31st July

Some remarks were then made upon the approaching
festival of the 31st, the order of the Procession and the
salutes to be fired. Mr Wyllie not having been
present, at the previous Privy Council, upon the
subject, took occasion to express his views upon
what was usual and appeared to him to be proper.

Celebration
of the 28th
Nov^r 1847

~~Resolved~~ On Motion of Mr Sudd, Mr Wyllie was
appointed to have the charge of the Celebration of
the anniversary of the recognition of His Majesty

Independence on the 28th of November next ensuing -

Mr. Wyllie undertook the charge, but said he would only submit a plan in writing for the King in Council to approve of or reject.

The King then said the business was done and went out to ride -

Mr. Wyllie then said, before they separated he wished Mr. Sudd to interpret carefully to all present, and especially to Mr. Si the Memorandum he had written of what he and the King, and other Chiefs, had ~~signed~~ said, upon the subject of Kalaike's book, before the opening of the Council, as he wished to be sure that the Memorandum was correct, and it might become of future Diplomatic importance -

Mr. Sudd carefully and slowly interpreted the Memorandum, which was unanimously pronounced to be exact.

Mr. Wyllie requested Mr. Si to call at the F. O. and examine his brother's book carefully, as it might contain evidence of whom it was written, and he wished the utmost caution to be used in establishing its date.

1847

Privy Council 5th August

Present	King	Premier
	Tahi	Kanaina
	Kaao	John Li
	Keliahonui	Queen
	Mr. Judd	Mr. Wyllie
	Kekuanoua	Kapaakea

Official
interview
sought by
Consul General
Miller

Mr. Wyllie submitted and Mr. Judd interpreted Consul General Miller's note of yesterday and his reply, and the Resolutions of the 17th May 1847 Nos 25th & 27

After some discussion the two following Resolutions were passed -

- 1st Resolved that having considered the Note of the British Consul General of yesterday and Mr. Wyllie's reply, in connection with Resolutions 25th and 27th of the King in Council of the 17th May last, it is neither desirable nor consistent that personal intercourse should be resumed with him, previous to hearing from the Queen of England, and that even were it otherwise, all communications from the British Government, on the matters mentioned by the Consul General, should be in writing, so as that a proper record may be preserved, and no misunderstanding take place, and that Mr. Wyllie is hereby directed to make known to the Consul General, that the King would prefer this course.
- 2nd Resolved that if the Consul General should insist upon having a personal interview, Mr. Wyllie in this special case, may have it, at his discretion, taking care, as usual,

to make a memorandum of what passes, and to have every thing that comes from the British Government in writing so as that Mr Myllie may be able to account properly to the King -

Mr. & Beddie
Mr. & Mrs
Schubald

Mr. Myllie submitted to the King, Mr. Armstrongs note on their behalf asking if the King would consent to receive them to morrow or Saturday evening

The King was pleased to name to morrow at 8 P. M. and Mr. Myllie advised Mr. Armstrong accordingly

Mr. Jarves's
Resignation

The Premier brought up Mr. Jarves's letter of 3rd August asking leave to resign, which was read

The King asked what Mr. Sudd thought of it.

Mr. Myllie premising how much the Government owed to Mr. Jarves, and the loss to the Government that would accrue from his resignation, expressed his opinion that the letter should be received for future consideration.

After some discussion the King adopted that view, saying that it would not be easy to supply Mr. Jarves's place.

Thomas Miller
and
C. Maxwell's
application
August
for 100 acres
of land near
on the West
side of Pittman's
at Hills

Mr. Sudd brought up that application. They are both Citizens of the United States and officers of the Ordnance. They offer 25 Cents per Acre for said land for a Coffee Plantation and to commence operations within 6 Months. Lease to be for 50 years. Agreed to let them have it for 50 Cents per acre per annum, after much discussion.

at Titcomt
rough No. 2
holds
5th August

The Premier submitted the application which asks for an extension of his Lease of land at Hanalei, and a lease of some more land adjoining, of which particulars not given

Resolved That the application be favourably received, but that it must come up in proper form, with survey and all other particulars

Keliiahonui

Application by two Men to Keliiahonui for land near Awa, on which to pasture Cattle. His title being doubtful, resolved that that be ascertained first.

Memorandum
at the Palace 6th August 1847
at 1/2 past 7 P.M.

Consul G.
Millers request
of an official
personal
interview

Mr. Wyllie request Mr. Iudua to interpret. As the King Consul General Millers, Note No. 102, to obtain His Majesty's opinion thereon, and the King sanctioned the Draft of Mr. Wyllies No. 9 in reply

This was a short time, before the presentation of the Rev. Mr. Geddie & Lady. and Mr. & Mrs. Archbald

1847
 Privy Council Palace
 16th August at 10 A. M.

Present King

Kekuanuoa

Pahi

Pitt

Kao

Namakeha

Premier

Kanaana

John Si

Keliiahonui

Kapantia

Mr. Iuda

Mr. Wyllie

(Mr. Richards sick)

Mr. Wyllie stated that as Consul General Miller insisted upon having a personal interview, he had been received by the Cabinet on the 11th and had then read and left his statement of that date. It appeared to contain nothing, but what was found in Consul General Miller's Despatches Nos 106 & 107 which Mr. Iuda interpreted to the King.

These Despatches being discussed, the following Resolutions were passed.

And Mr. Wyllie received the King's commands upon the explanations to be asked from Consul General Miller — the withdrawal of the Cases, and the case of James Redpath.

No 1

Resolved that the Decision of the British Govern^t, in favour of Mr. Richards & Charlton, be faithfully carried out, after the Consul General has satisfactorily explained what appears doubtful and ambiguous in Consul General Miller's No 106, respecting which Mr. Wyllie is to write to him.

No 2

Resolved that the Guardians of Victoria

Consul General
 Miller's Des-
 patches Nos
 106 & 107,
 Relating to
 Decisions
 N. O. M's
 Government

Kamamalu be requested to withdraw their Caveat, and that Mr Wyllie be empowered to do so, and instructed to request Consul General Muller, in like manner, to withdraw Mr J B de Frennes Caution & Protest of 29th August 1846 - the Consul General's Notice of 13th August 1846 and Mr Charlton's Caution of 13th November 1845.

Ke Kuanaua and John Si as Guardians of Victoria Kamamalu, stated that Victoria and her Tenants has been deprived of their rights, and that they thought some person should pay them the value of what has been taken from them.

Mr Wyllie replied that the King & Government were bound to carry out the decision of the British Government, be that decision right or wrong, but that, of course, that did not debar Victoria of her rights, nor the Native Tenants - that the King had duties to perform to them as well as to Foreigners, and that it was for them to consider what they thought to be just, under the circumstances.

They said they would take time to talk of it among themselves, but that that need not prevent the withdrawal of the Caveat, to please the British Government.

H. Barrows

Mr Barrows application of 11th August 1847 for the purchase of 60 acres of land known by the name of Kaululu, on the Island of Maui, with privilege of Water-run at 5 \$ Per Acre.

Not Granted

H. Brichwood

Application 7th August 1847 for the remaining 2 1/2^{res} of Waikakoluma as a Pasture for Cattle - offer \$200 Per Annum -

Granted

Mr. Robertson Application to buy lot No. 8 on the plain
Granted

Sp. Penhallows Application to commute for the Premises occupied
by him - offered \$300 - The Government charge him
\$525 which he agrees to pay

June
7 Aug: 1847 Application for commutation of the punishment
of working upon the Public roads for a fine of
\$200. The crime was adultery.

Mr. Lee Appointed to the Land Commission, in place
of Mr. Richards and James Young

1847

Privy Council 1st September
at 10 A.M.

President	King	Premier	Queen
	Paki	Kiiaihomii	Kapaakea
	Pitt	Kekuanana	Mr. Wyllie
	Kanaina	Raeo	
	John Li	Mr. Sudd	

Decisions of the
British Govern^t
regards to
Charlton's &
other matters

Mr. Wyllie laid upon the Table copies of his
correspondence with the Consul General Nos. 1 to
32 and rendered explanations which were interpreted
by Mr. Sudd

The Draft of a Notice confirming that of the
14th November 1845 in Mr. Charlton's protection was read.
Consul General Miller's Despatch No. 116 of 28th August
with 4 enclosures was interpreted by Mr. Sudd,
suggesting at the instance of Rear Admiral Seymour
an indemnity to the Man so injured -

Case of James
Brackley, a
Sailor of the
Tuna, who
got his head
broken on the
28th November
last -

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The Chiefs complained that in the time of Lord Geo. Paulet two men were wantonly injured by his Marines, for whom compensation should also be demanded.

Mr. Wyllie said, if proper statements were made out and put before him, they would be used as it might appear to be just.

After some discussion Resolution No. 1 was put and passed.

Then Resolution No. 2, omitting the last paragraph of the draft.

Then Resolution No. 3 was passed.

Then Resolution No. 4, and lastly Resolution No. 5.

1st

Resolved that Mr. Wyllie is hereby instructed to explain to the Consul General, upon all points in his Despatches Nos. 106 and 107, unjustly reflecting upon the King and His Government, giving what extracts may be necessary from the Minutes of the Privy and Cabinet Councils.

2nd

Resolved that in accordance with the King's order of the 2nd of September 1845 the whole correspondence be published, that the world may know fully and truly the course that the Government have pursued in this matter.

3rd

Resolved that Mr. Wyllie pass, officially, to the British Consul General a copy of the Inquiry at the Palace, in 1846 of David Malt's deposition, and of every thing else that can tend to prove the just and honest course that the King and His Government

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have pursued in regard to matters complained
of by the Consul General

4th

Resolved that Mr Wyllie, is to take the opinion
of Judge Lee, upon the application made for
an indemnity or pension to James Maclean, a
sailor of the "Tuna", whose head was broken
by some one, in November last, during a riot
on shore, and, thereafter, to act as Judge
Lee may recommend, but accounting to the
King in Council -

5th

Resolved that the Notice, about Pulaholaho,
is approved, and that it be inserted in the
Polynesian, once every Month, till the
expiry of the period allowed by law for the
presentation of titles to the Board of Land
Commissioners

By Authority

Be it known to all whom it doth or may
concern, that Her Britannick Majesty's Govern-
ment having decided in Mr. Charlton's favor,
the question relating to the land called Pulaho-
=laho, taken possession of, for the first time,
with the King's permission, on the 23rd day of
August 1845, His Majesty repeats the Notice
given, by His order, through the undersigned
to the following effect, viz: "However clearly
"the Guardians of Victoria Kamamalu, may
"establish by legal process, her right to the
land, His Majesty faithful to the powers
which He conferred upon Her Britannick
Majesty's Government, under the provisional

"Cession of the Sovereignty of the Islands, in
February 1843, & will not allow Mr. Charlton
to be disturbed in the possession which has
been assumed by him, unless after the full
consent of the British Government"

All persons, therefore, are hereby strictly
prohibited from molesting or disturbing Mr. Charlton,
or his legal assigns, during the whole period
to which his rights acquired under the Decision
of Her Britannick Majesty's Government,
were contemplated by that Government to
extend; and all persons holding titles to the
whole or any part of said lands, derived from
Mr. Charlton are required to present them to
the Board of Lands Commissioners as required
by law,

(Signed) R. C. Wyllie

Foreign Office
1st September 1847

Thomas Gandles
Application

Gandles letter of the 24th August 1847 was
brought up by the Premier for Acres of land
in Manaw Valley

Postponed for after consideration,
when the rights to the land are clearly defined,
it not being clear to whom it belongs -

For lot N^o 5 on the Plain 20th August 1847
Granted

application

Geo. Bush's
application

for the land in front and behind his lot on the
plain decided in favor of his children, for a con-
sideration to be paid by him -

Prior to the
Minister of the
Interior to act
Mr. Richards

The following Resolution was proposed by Mr. Wyllie and passed:

Resolved, that during the inability of Mr. Richards to perform the duties incumbent upon him, as Minister of Public Instruction, the Minister of the Interior is empowered to perform those duties, during the King's pleasure, reporting to His Majesty in Council, as required by Law and that Public Notice be given to that effect in the Polynesian and Globe.

1847

Privy Council Palace 10th September

Present King

Premier

Kheo

Kekuanaoa

Keluaonui

Pitt

Taki

Kanaina

Mr. Wyllie

Mr. Judd

B. Namakeha

Premier pro-
posed to
appoint Mr.
as Member
of the Privy
Council

The Premier read the Commission proposed to be given to him, constituting him an Honorary Member of the King's Privy Council, according to the Act passed 29th October 1845.

Passed unanimously & dated 10th September 1846.

Mr. Marshall's
application

To have the present lot occupied by him for 50 Years at \$25 Per Annum and to give up to the Government the other lot towards the road to the Government for \$500.

(\$208, 33 ¹/₄ will produce yearly \$25,00 and \$25 for 50 years is \$1250)

— Passed unanimously —

1847

Privy Council 24th September

Present	King	Premier
	Pahi	Kanaina
	Tekuanaoa	Pih
	Tekuahonui	Kao
	Kepeau	Kapaakea

Further upon
the case of
James Maclean
Seaman of
the "Juno"

Mr. Wyllie said that agreeably to the 4th Resolution of the Privy Council of the 1st he had now to account to His Majesty with the opinion of Judge Lee, and the further correspondence, with the Consul General

Mr. Wyllie further read extracts from his Despatches to the Kings Commissioner in London, No 35 of 7th September 1846 - No 46 of 2nd November, No 50 & No 56 of 16th & 17th December 1846 - also the Resolutions of the Cabinet of the 14th October and 14th December 1846. All these were intimated by Mr. Sudd to the King -

After some discussion, the three following Resolutions were framed and unanimously passed with an instruction to Mr. Wyllie, after making the reference to the Kings Commissioner, to conclude all correspondence upon the subject here, pending that reference, by notifying it officially to the British Consul General -

No. 1

Resolved that having considered Mr. Wyllie's explanations, in connection with Consul General Miller's Despatches Nos 116 and 121, and the written opinion of Judge Lee, this Council see no reason to depart from their previous Resolutions of the 14th December last, and

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from the Resolutions of the Cabinet of the 15th of October communicated officially to Captain Blake, on the 16th of that Month -

N^o 2

Resolved that nevertheless, Mr Wyllie is hereby authorized to instruct the Kings Commissioner fully upon this case, and to empower him, after mature consideration of the merits of the case, ~~to~~ ⁱⁿ concert with H. B. M's Government, to grant what Annuity that Government may consider right and just, until the Man James Maclean die or recover his health, provided the British Government show to the Commissioner that a Hawaiian Subject receiving similar injuries, under similar circumstances, in any British Port can, and shall, have an equal claim upon the British Treasury, and provided the British Government consent to instruct their Naval Commanders, visiting these lands, not to give liberty to their Men to come on Shore without sending a list of their names to the Governor, at least twenty four hours previously - without leaving the Harbour laws and Police regulations in the hearing of all the Men previous to their coming on shore, and without recommending to them strictly to obey all such laws and regulations - to avoid all quarrels with the Police and every one else, and to behave peaceably, quietly and orderly, and further not to give too many Men liberty at a time -

N^o 3

Resolved that this Government consider the claim of £425. 16. 8 or \$2044 - made by Consul General Miller for James Maclean,

after the acquiescence of Captain Blake in the result of the measures adopted by Judge Andrews, last year, and without one tittle of evidence showing that James Maclean was injured by any of the Police, is considered to be unjust, unworthy of any British Officer, and not likely to be countenanced by the British Government.

H. B. Maclean
General's wish
for Land -

The King inquired if the British Consul General had ever applied for land. Mr. Wyllie said he had in a private letter, but that His Majesty would remember that the opinion of the Council was that no application in a private letter could be received, and that Mr. Wyllie should invite him to make the application officially. Mr. Wyllie said he had so done and that the Consul General had then withdrawn his application -

The King then alluded to a very extraordinary message from the Consul General which he had received from O'Rourke which much surprised all present. No record is made of it, for it would be odious to insert it, on these Minutes -

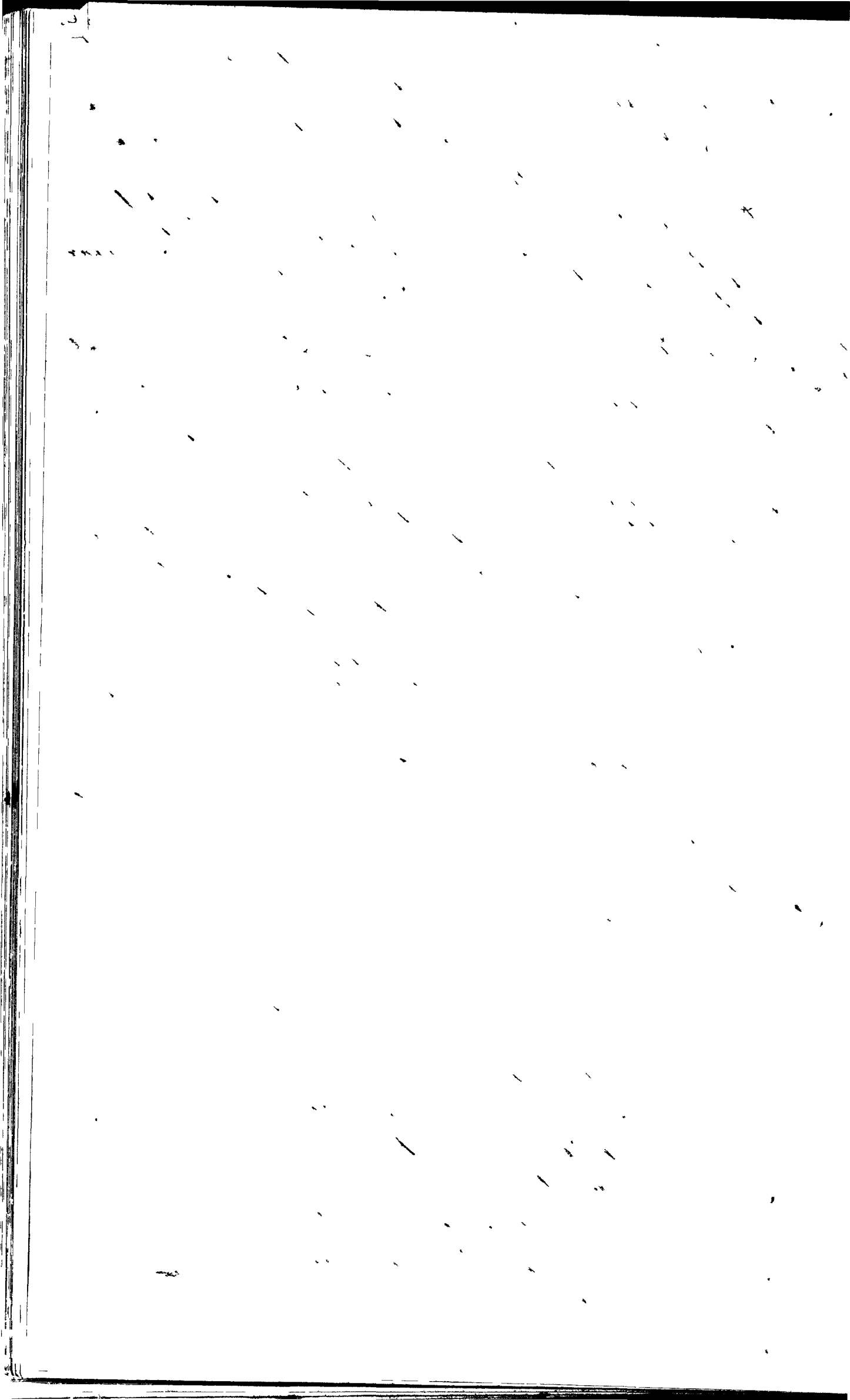
Mr. Jarves's
resignation

This subject was again brought up and his letter of 3rd August last again read -

The following Resolution was passed

Translation.

Resolved that the Government have heard with much regret, that on account of the reasons stated in his letter of the 3rd August, Mr. Jarves seeks to be relieved from his present engagement as Director of the Kings Preps., that his resignation be accepted from the 30th of this month, and that the Minister of the Interior be instructed to pass to him a copy



of this Resolution with the thanks of the King in Council for his valuable services and an expression of their esteem and best wishes for his future welfare and prosperity

M. Robertson

It was Resolved, on motion of Mr. Judd, afterwards: that Mr. G. M. Robertson be appointed, provisionally, Director of the Press. Mr. Judd thought it would have been better to have waited till another Meeting of the Privy Council -

Grasmus
Daniel Byrnes
Application for
Patent
Denization

His letter of the 18th to the King petitioning for letters of Denization, under Mr. Jarves's recommendation, was read and his petition granted by His Majesty, by and with the advice of His Privy Council

H. Twinton's
Application
for Clerk
hire -

It was agreed to allow Mr. Twinton \$500 for a Clerk to assist him -

Kaanaana

A letter from Kaanaana, applying for some Stony ground at Kolow, which he declared to be of no value - Land refused -

Amuel Peio
Portuguese

A letter from him was read, applying for 100 acres of land, on Ubooi, offering to pay 75 cents per acre -

Agreed that he should have the land in fee simple for \$5 not enclosing the land or at 75 cents, he enclosing the land within two years -

Dudoit's applica-
tion of 11 Sept.
to the
Premier

His letter makes an application for land on Ubooi, for which he offers \$500 a year. The land is what he bargained for with Mr. Charlton, or rather Mary Taylor, Charlton

claimed on a lease from Hāikōewa, dated 27th August 1831, for 20 years from that date.

The award of the Land Commissioners of the 15th April 1847 was produced, recommending that Mr. Dudenst get a new Lease for fifty years.

Charlton's Lease was considered to be revoked in consideration of a sum of Money paid to him, for which he gave a receipt.

The period determines, on the 27th of August 1853

— John Si came in, at this moment.

A long discussion took place upon the limits which are left indefinite in Mr. Charlton's Lease, and a Resolution was passed that the Surveyor go down and make a Survey of the Land.

J. Sturt's

Application for Land 5th September 1847, to John Young, offering \$5 per square acre. The land is in the district of Waikare, known by the name of the Horse Gate.

Application was put off for the present

The Meeting then adjourned

1847

Privy Council 2nd October at 10 A.M.

Present King	Premier
Queen	Pahi
Kanaina	John Si
Kao	Tapear
Ketiiahonui	Natneakeha
Pakea	Kekuanana
Mr. Lee	Mr. Wyllie

Mr. Sudd came at 1/2 past 10 a.m.

Mr. Wyllie, with the assistance of Mr. Pitt, explained to the King Mr. Dundas' kind offer to have a sketch of the left hand side of the Port, made on board the "Modeste", for Admiral Thomas, as had before been ordered - that he had received the sketch yesterday by the ferryman Laps -

Mr. Wyllie explained that Mr. Dundas was extremely thankful for Mr. Wyllie's letter of 3rd July, thanking him: for his services in command of the "Hobokaitika" in 1844, and that it might lead to Dundas's promotion -

Mr. Sudd's Cowherd wants lot No. 30 on the plain. 150 feet by 75 - is the dimensions of the lots and the price \$50 for one lot - 100 \$ for 2 and so on. Granted -

lots No. 122 & 123 on the plain to pay \$100 within a Year - Granted -

applies again for the horse-gate at Waiakua \$5 per acre offered - refused - This same application had been made on the 5th ultimo, (see Minutes of that day -

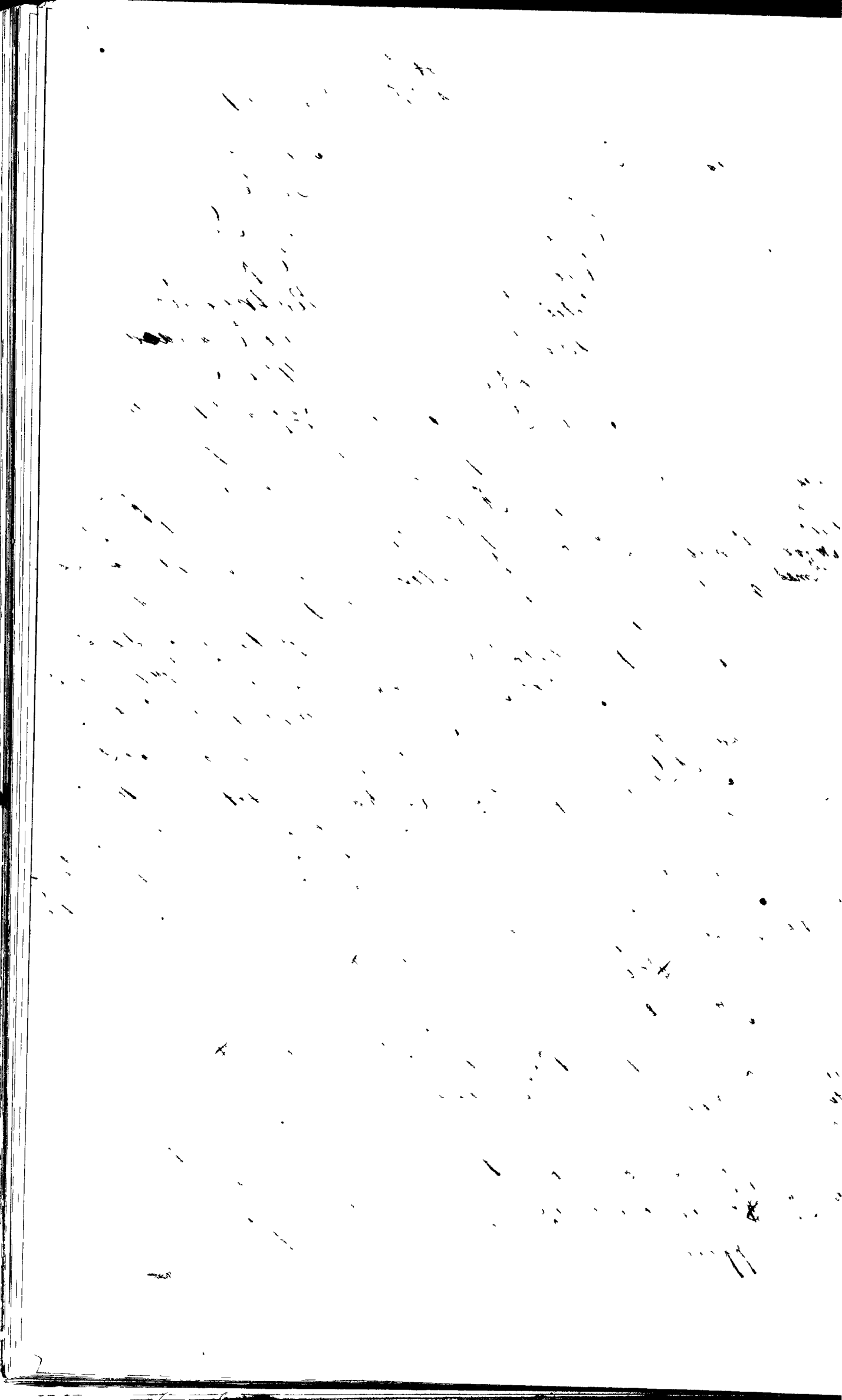
John

William Dundas - and each of half the Port for Admiral Thomas

as Vanbergen 4th Sept. to the Minister of the Interior

John Toole 4th September to the Minister

John Stuart 4th Sept. 1847 to Premier



John Brosseau
Sept 1847
Premier

John Brosseau wants 100 Acres on the Island of Ato'i called Halau Lani offering 75 Cents per Acre and to enclose it, in 2 Years, within a wooden Fence, the price to be paid in 6 Months - It is near (Dudoits Lang) -
Passed -

Charles C. Hitchcock
Sept 1847

Petitions for letters patent of Denization in accordance with Section 14th, Article 1st, Chapter 5th of Part first of the Act to organize the Executive Departments -
Granted -

John Torbett
Sept 1847
Minister of the Interior

Applies for a Charter, in accordance with the general provisions of the first part of an act to organize the Executive Departments for Liberty to make a road from the Sea at Honuaula to his Plantation, he to keep it in repair; road to be free for foot passengers and for the transport of all Sugar & Molasses belonging to the Government - Charter to be for a period of 25 years. The road to be by a new route -

Mr. Lee questioned whether, under the Constitution, the Premier had power to grant such a Charter. His opinion was that it belonged to the Legislature

Mr. Wyllie was quite of this opinion and so also in every case where a Mans Land is taken away for public use

Resolved that it be referred to Mr. Lee to report upon the legal and Constitutional bearings of the question -

Question referred to Mr. Lee to report upon it

John Torbett
September

Applies for Liberty to purchase several pieces of land, in fee simple, according to surveys which he

He says he enclosed, but does not enclose offering one dollar per acre, payable in 18 Months from the date of the Patent - also to purchase the Government cane land at Honouaula with the present crop of Sugar Cane, said land contains about 50 acres, for which he offers \$600 - \$300 in 3 Months & \$300 in 6 Months - Put off for future consideration -

Mr. Judd

Made a complaint against the Fish-pond as injuring the Port. Some of the Chiefs said it was the Government who had made the Pond

Mr. Judd spoke in Native without explaining in English what he had said. But, afterwards he remarked that nothing could be done, and the question was put off.

The application, on which Mr. Lee was to report, was handed over to him, for that purpose, and the Council adjourned.

1847

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Privy Council - Palace - 12th October at 10 A. M.

Present King

Premier

Pahi

John Li

Kanaina

Kelushonui

Kapeau

Kekuanana

R. C. Wyllie

Judd

Kaukaha
Oct 11th 1847
application
for Pasture land

Kaukaha on the part of many people at
Maialua, for 2174 Acres of Pasture land,
at 50 Cents per acre -

Postponed for future consideration -

John Hobbs
6th October
1847

For a Lease for 50 years, at \$30- of either of
the pasture lands, Leewai Manka or
Atooi about 2 miles from Kolon, 500
acres, more or less, a Kawapaka running
from the Waiwaea Road to the Mountains,
containing probably 700 acres -

Declined - The opinion of the King
and Chiefs being against granting lands in
that manner, and in favor of grants for
cultivation -

G. Lanui
5th Oct^r 1847

For a tract of land on this Island of Oahu
4 Miles by 3 for Pasturage offering \$100 a year,
10 or 12 Miles from James Robinson's tract

Voted that Kekuanana go down
and see what is the best arrangement that
can be made, upon the principle of leasing
that portion of land, which lies between
Robinson's and the Sea, and watching the
Boundary on Horseback -

Kahapula
Ma Ewa
9th Oct^r 1847

to Mr. Young applies for a School site for the
Catholics

Postponed for after consideration -

Foreign Residents
(51)

Petition, without date, for the Kings
Patronage of a Theatre, in this place.

Mr. Sudd interpreted the petition

Mr. Myllie addressed the Council,
showing the objects of the Petitioners, and the
good that might be expected from a Theatre,
if properly conducted.

Vote of approval of the project
took place - Mr. Sudd declining to vote.

The following Resolution was
voted unanimously, excepting in the case of
Mr. Sudd, who, as before, declined to vote.

Resolved that the King receives favourably
the petition of so many respectable Foreigners
residing in his Capital - that He wishes
well to the undertaking, and that upon the
details of Situation, Pop and Shares, He
will make known his pleasure, at an
early day.

Resolved that the Minister of the Interior,
hand to Mr. Schillaber a Copy of this Resolu-
tion.

Robertson &
after - offer
19th Oct. 1847

to drill 60 Men, was read by Mr. Sudd
Resolved that the offer be reserved for
after consideration.

Mr. Myllie strongly recommend-
ed the proposal upon the ground, that the
present force was inefficient.

Mr. Sudd objected, on the
ground of expense.

Mr. Myllie asked the
expense of the present force.

The proposal was left for
after

after consideration -

Umi a
Young Native
detained in
the Fort accused
of Theft -

The Premier proposed that he should be
pardoned, owing to his improved conduct,
and his having caught two deserters -

The Council voted in the affirmative

Notice of
Motion upon
the Law of
Passports

Mr. Wyllie requested Mr. Sudd to read a
Notice of a Motion that he proposed making
with a view to recommend to the Legislature,
an alteration in the law of Passports, so as
to oblige parties who wanted to leave the
Kingdom to give previous notice of their
intention to leave.

Reference to
Judge Lee

Mr. Sudd thought it would be well first
to ascertain the opinion of Judge Lee,
whether or not the King could not make
the alteration by an order in Council.

Mr. Wyllie promised to ascertain that
point of Judge Lee -

Notice of Motion

For an alteration in the law regulating
the issue of Passports, to the effect that
they be only given to parties giving a
previous notice of days that they
are about to leave the Kingdom, and that
that Notice be published in the Polynesian,
and posted up in conspicuous places -

1847

Privy Council 21st October 1847

Present The King

Mamauna

Nekuanaon

Lee

Premier

Paki

Kapean

Wyllie

Mr Wyllie's
Report upon
the celebration
of the Anniversary
of the 28th Nov.
1847
entered at
Folio 179

Mr Wyllie begged the King's permission to present to His Majesty, in Privy Council, his Report upon the mode of celebrating the approaching Festival, of the 28th of November next, regretting the absence of Mr. Sudd, as there was no one else who could interpret it.

The Report was received to be considered at next Privy Council

Mr John Wm
Sullivan's
Letter to the King

Mr Wyllie presented to His Majesty Mr. John W. Sullivan's letter of 13th June 1847 with its three enclosures, viz; the American Almanac, the Secretary of the Treasury's last Report to the American Congress, and a Map of the route to Columbia River.

The King read the translation of the letter, which had been prepared, at Mr Wyllie's request, by the Secy. Mr. Armstrong.

His Majesty ordered Mr Wyllie to reply to Mr. Sullivan, with His thanks, and to send him some of the late official pamphlets, upon the Foreign Relations of the Kingdom, to be used at Mr Sullivan's discretion.

Sunday meeting
postponed

Mr Wyllie referred to an extract from a Note from Captain Hunt to Mr.

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Vonpffister - to communications from the President of the American Seamen's friend Society - from Don Jose Domingos de Yedart, and from the Government of Peru, but suggested that they should be brought forward, at next Privy Council, that Mr. Sudd might properly interpret them

The King proposed to adjourn till to morrow (Friday) at 10 o'clock, but to suit the convenience of Mr. Lee, appointed the next Privy Council for Thursday at 10 o'clock -

1847

Adjourned Privy Council Saturday 23rd October

Present The King	Premier
Namaina	Paki
Napeau	John Li
Sudd	Wyllie
Lee	

Rev. Mr. Damon's
letter to Mr.
Wyllie -

Mr. Sudd interpreted to the King, the Rev. Mr. Damon's letter, embodying extracts from a communication received from the President of the American Seamen's friend Society - also Mr. Wyllie's letter of the 24th November 1846 - to the President, which the President had published in the Sailors Magazine No. 10 of June 1847

The King and Chiefs seemed pleased with these communications -

Mr. Wyllie asked the King's leave to acknowledge them thankfully in His Majesty's name, which was granted.

Cap: Hunt's
Letter to Mr.
Vandewater
April 1847

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Mr. Wyllie requested Mr. Judd to read the
extract to the King, showing Captain Hunt's
kind intentions towards the Government.

Mr. Judd demurred upon the
ground that it announced the introduction of
German Labourers upon which some Resolu-
-tion became necessary.

Mr. Wyllie observed that all he
wanted interpreted to the King was the
extract from Captain Hunt's letter.

Mr. Judd insisted upon inter-
-preting the other part also, which Mr. Wyllie
said, was all very proper, but to precipi-
-tate formal Resolutions upon a question of
so much importance, was not proper.

Mr. Judd then interpreted the
letter and stated that he wished to hear the
King & Chiefs remarks upon the introduction
to the Islands of foreign labourers.

Some remarks having been
made Mr. Wyllie rose and said, with the
King's permission he would observe -
it was altogether irregular, to take up
and discuss a question brought before
them incidentally, and with a view to
adopt Resolutions upon it. That the
general question of foreign labourers
was one of vital importance to the
Government, and that in all Councils
or deliberative bodies, it was usual
to discuss such important questions
only after previous notice. That he rep-
-resented any deviation from this rule in

this case or in any other similar case, and that he pledged himself, with the King's permission to present to His Majesty in Council a written report in English and Native upon the policy of encouraging the introduction of foreign labourers. Mr Wyllie expressed his wish that Mr Lee and all others who felt inclined should be invited to present their Reports, also, upon the same subject -

Mr Sudd ~~remarked~~ observed that he only wished to hear the remarks of the King & Chiefs and not that they should come to any Resolutions upon the subject.

Mr Wyllie replied that Mr Sudd had used the word Resolutions and that he so understood Mr Sudd's meaning -

Mr Sudd said, perhaps he had used the word, but he only meant remarks & insisted upon putting down the remarks of the King & Chiefs made previously to what Mr Wyllie has said -

Mr Wyllie said that was all very right, provided no hasty Resolutions were adopted - that so long as the King was King, he would insist that he should be fairly dealt with, and that all important questions before being voted, should be openly and regularly brought before Him and due time given for reflection; so as that His Majesty might have the advantage of the deliberate opinions of all His Privy Counsellors before giving His sanction to such important measures -

Mr. Sudd then proceeded to put down in Native the remarks made by the Chiefs, after which he asked Mr. Wyllie to repeat what remarks he had made.

Mr. Wyllie requested first to know precisely what minutes Mr. Sudd had taken in Native. Mr. Sudd read them in English.

Mr. Wyllie objected to them as being incorrect, inasmuch as the kind intentions of Hunt to the Government, which was the important point, was altogether omitted, and the introduction of German labourers was put as a positive announcement and in an indefinite shape, whereas the Vote submitted to the King, adverted to the introduction as a mere possibility, and clearly meant only a few labourers for Hunt's own plantation -

Mr. Sudd then corrected his Minutes & afterwards recorded the substance of what Mr. Wyllie had said, which Mr. Wyllie gave in an abbreviated form.

Mr. Lee's opinion

Mr. Lee begged to record his opinion that the questions of Land & Labour to cultivate it, were of so much importance to the Islands, that upon their proper solution depended their very existence - that the Islands would sink with a wrong decision upon these points, and with a view to present his own Report inquired to what points or principles it was meant to apply.

Wm.

Mr. Wyllie said his view was that the main point would be the policy of encouraging or permitting the ingress of Foreign Labourers, in limited numbers and for such special purposes as Hunt contemplated, but that all matters or principles bearing upon or connected with that main point, would properly belong to such Reports as were suggested.

Mr. Wyllie avowed his belief that for nothing whatever would the Kings Ministers be so much praised or censured by the Noots, and by the future Statesmen & Historians of the Hawaiian Islands, as for the good or bad advice that they gave the King Chiefs upon the two points of land and labour.

Some of the Chiefs remarked that there might be a danger in opening a door for too many foreigners to come into the Islands.

Mr. Lee admitted that, but he questioned whether or not under the present laws, they could not come as freely as other Foreigners - Artizans for instance.

It was finally resolved that this question should be brought up for consideration hereafter, and that all Members of the Kings Privy Council, who chose, should send in their views upon the subject in writing.

Mr. Wyllie then interpreted in English and Mr. Sudd in Hawaiian, the news of the War between the United States and Mexico.

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and Meais, given to Mr. Wyllie by Mr. Indart, in his letter of the 24th September 1847 from San Pedro

Mr. Wyllie was commanded to thankfully acknowledge that letter.

Second
Supplement
&
Appendix

Mr. Wyllie referring to a pledge given before the King in Council months ago, when the grave charges against the King's Government, some of His Ministers and some of the most exemplary of the Missionaries, asked the King leave to lay on the Table the Second Supplement to the Investigation of 1845, and a Pamphlet under the name of Appendix thereto. Mr. Wyllie observed that so far as he was capable of forming an impartial judgement, the honor of the King, of His Government & of the Gentlemen personally charged with perjury and subornation of Perjury, in the M.I. News Nos 25-26-27 &c, under the name of Mr. R. C. Janion, but, as was well known, really by Consul General Miles, would be found fully vindicated by all impartial persons. That had it not been for that knowledge, that such outrageous calumnies emanated from the British Consul General, he (Mr. Wyllie) would have considered them altogether unworthy of notice.

Mr. Wyllie's
halt upon the
celebration of
28th Nov.

Mr. Indart, carefully interpreted to the King, Mr. Wyllie's Report on the mode of celebrating the Anniversary Festival of the 28th November next.

It was left to be considered by the King & Premier, and brought up at a subsequent Meeting.

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The Despatch of His Excellency Don. Jose G. Paz de Seldan, dated Lima 17th August 1847 with No 14 of the Piruano containing a translation of the British and French Treaties of the 26th March 1846

The President of Peru, in that despatch, conveys a courteous message to His Majesty

The King ordered Mr Myllie to acknowledge its receipt, reassuring the President of Peru of His Majesty's esteem -

Mr Lee's Report upon the application of Mr Torbert of the 14th October was read. Its purport is that it belongs to the Legislature to grant Charters and not to any Minister

The Report was received and approved - (See it as entered in folio 349)
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The Rev. Mr. Alexander's letter requesting \$400 to cancel the expenses of completing the Aqueduct to the Seminary at Lahualuma

After some discussion among the Chiefs Mr. Myllie said - He was most happy to move that the \$400 be granted. He considered it a very small instalment indeed, of what was due to the American Missionaries for spending yearly about \$35,000 on the Islands, and for the inestimable blessings of the education and christianity among the King's subjects, which they had diffused

Mr Lee said he had great pleasure in seconding the motion and in the terms in which it was expressed, which he wished to be recorded -

Mr Lee's Report
on the case of
Torbert -

Alexander's
letter of 13th Oct.
to Mr. Sudd
King \$400.

in Miner's
Oct. 17th October
(British Subject)

Applying for 674 Acres of Land for Cane, called
Lilikoe - wishes a Fee Simple Patent secured
to his Children, for which he offers \$700 - one
half down and the other half in 6 Months - or
to lease it for 50 years at \$175 per Annum

Resolved that a Man be sent to
inquire into the circumstances of that Land.

to Myllie's
suggestion
about Land

Mr. Myllie suggested that it would
be well to adopt the system of ascertaining &
surveying all the lands in the Islands that belong
to the Government - all the Lands belonging to
each Chief and other Proprietors - Then
advertising them for sale at a minimum price
to the highest bidder, that Bidder being
qualified by law

Charles Thornton
Oct. 1847

Charles Thornton applies for the land named
Inouli in the district of Kona, on the West side
of Hawaii - Offers to buy it and pay for it by
instalments, or to pay 15 or 20 \$ per Annum for
it, obtaining a lease for 40 or 50 years

After explanations made by
Kapeau it was rejected.

Robinson & Co
Oct. 1847

Offering \$150 for the term of fifty years, for the
Land called Uaiawa, which includes Mr.
Bishop's place and several places occupied by
Natives, leaving also lands between it & the Land
they now possess.

The application under these
circumstances cannot be granted.

in Dawson
October 1847

Applies for 39 ¹/₂ Acres of Land on East Maui,
surveyed by Mr. Metcalf, under date of 9th December 1846
Not Granted

H. Brooks
Oct. 22. 1847

Applies for 500 Acres of Land at Uaialea on the

Island of Maui, at 50 Cents an acre -

Not granted, on the ground that the ownership of the land is not clear.

Mr. Wyllie suggested that where applications for land were refused, it should not be done abruptly and roughly, but courteously, assigning the reasons and inviting the applicants to amend or explain, where necessary.

Mr. Lee said all such applications should be dealt with most cautiously and courteously -

✓
Mr. J. S. Sudd's appli-
cation for
remuneration
and relief

For \$275, 25 cents remuneration for past services, he being in debt.

The items were explained by Mr. Sudd.

Mr. Wyllie observed that such questions, strictly speaking, ought not to come before the Privy Council, except while sitting as a Board of Finance, and that they should be brought up with a formal Report by the Minister of Finance, upon the merits of the application.

Mr. Sudd stated that other financial questions had been decided on by the Privy Council, without resolving itself into a Board of Finance.

Mr. Wyllie stated that still it was irregular, and that it would be better for the Privy Council to meet as a Board of Finance upon all financial questions -

Mr. Wyllie asked if Mr. Sudd had considered and approved of Mr. J. S. Sudd's application & if he knew that he was actually in debt. Mr. Sudd said he had considered it, approved of it,

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and knew that he was in debt. Mr. Myllie asked the amount and Mr. Sudd was understood to say \$275. 25 cents -

Mr. Myllie then moved that the Privy Council, as a Board of Finance, authorize the Minister of Finance to credit or pay that amount to Mr. S.

This Resolution was passed by acclamation

The Premier immediately afterwards said something in relation to the Chiefs. Mr. Sudd said, now they were bringing forward something relating to him. Mr. Myllie inquired what it was. Mr. Sudd stated it was a fee to him of \$1000 for his Agency in the matter of Ladd H. - that he was in debt for his new house - that he did a great deal more work - worked harder longer than any other Minister, and that he thought he was entitled to that relief. While this explanation was being made, the question had been put & voted in the affirmative, without any reference to Mr. Lee or to Mr. Myllie.

Mr. Myllie rose and said, if the vote was to be considered as given, he wished to record his opinion, that that vote should have been postponed as a matter of form & precedent till after Mr. Sudd had presented his report to the King in Council of what he had done in the matter of Ladd H., under the special powers conferred upon him by a Resolution of that Council.

He begged to remind Mr. Sudd that he had never presented that Report. As a friend of Mr. Sudd's he would be glad to support any

Amount of
\$1000 to
Mr. Sudd

any proper measure for his relief, but he must say that in Mr. Sudd's place, he would disdain either to apply for or receive any such grant, until after he had truly accounted to the King - his Master - of his Stewardship -

A resolution of the King in Council was a most binding and solemn rule of conduct for every Minister, and he (Mr. Myllie) thought that Mr. Sudd, in justice to himself & his family, no less than to the King, would have the more pleasure in obeying it, that he knew well that his enemies accused him of overshadowing the King, and of not only doing things, but in glorying in doing them independent of the King's Authority. He could not so far outrage Mr. Sudd's good sense and even loyalty to the King, as for one moment to suppose that he was less ready to account to the King, than any other Minister, nor could he suppose that Mr. Sudd was personally so foolishly vain & so ignorant of all history as not to know that in all Countries & in all ages wherever a Minister has attempted that independent exercise of power, that Minister has shortly afterwards fallen -

Mr. Sudd said that he had always accounted to the King -

Mr. Myllie said that was well so far, but that the Resolution giving powers to Mr. Sudd to act in the matter of Lady H., rendered it imperative on him to account to the King in Council, of all his proceedings, and that Resolution had not been complied with. He (Mr. Myllie) had himself moved & drafted

that Resolution, and he wished to see it obeyed. It was possible Mr. Sudd might have exceeded his powers and that in that case, if the Government overlooked it, they would have to proceed by way of an act of indemnity, as in all other Countries.

Mr. Sudd said he had quite forgotten the Resolution, but that he was quite willing to present his Report..

Mr Lee

Mr. Lee, who had been absent in the adjoining room, came in during the conversation, and expressed his surprise at such a motion, and especially at putting the proposed grant upon the grounds of a fee for Mr. Sudd's services in the matter of Lord Ho. He said that he certainly was not prepared to vote for the motion without proper inquiry - He was perfectly willing Mr. Sudd should be paid for his services, but he first wanted to know what those services were, and from what time rendered. They might be worth one thousand dollars, and for aught he knew, they might not be worth one hundred dollars. He thought the matter to be one of vital importance to the best interests of this Kingdom, and that as a general rule a committee should be appointed to inquire into the grounds of, and report upon any such claim, before it was granted. If every service rendered by the officers of this Government, not directly connected with their official duties was to be made the ground of a grant like this, he might ask a grant for the extra-judicial performed by himself. But he never expected any pay for such services and would never

Lee moves
appointment
of a
committee

consent to receive any - He said if it was proper, he ought perhaps to remind them that long previous to the departure of Mr. Ricord, he had expressed his opinion that his salary ought to be increased, to Messrs. Richards, Sudd & Myllie, but that he had made no after mention of the matter from feelings of delicacy about speaking of matters relating to himself. His present salary, he said, was no equivalent for the value of his time in his own Country, but he did not wish this value to be the rule of his pay - He would rather it should be governed by the finances of the Kingdom - Mr. Lee then gave notice that he wished some arrangement to be made on that point prior to the sailing of the Brutus, as he had business arrangements to make in the U.S. which must depend upon his compensation here -

Mr. Sudd said that so soon as the new Act was promulgated it was his intention that Mr. Lee's salary should be \$3000 a year

Mr. Myllie said that in giving notice, Mr. Lee was quite in order - that that was the proper way in all cases & he would move that the King adjourn the Council to some day next week, to hear Mr. Sudd's Report and receive Mr. Lee's application

Mr. Lee said that still he considered a Committee should be appointed to consider both points, namely, the grant of \$1000 to Mr. Sudd, and the increase of Mr. Lee's own salary.

Mr. Sudd added that Paki had made the suggestion that \$1000 should be granted

to him; that although he wanted the money, yet that, perhaps, he could do without it.

Theatre,

Mr. Wyllie inquired if the King had made up his mind, upon the points relating to the proposed Theatre, embraced in the Petition of Subscribers.

Mr. Sudd said he thought the King & Premier considered that an affair not of the Privy Council, but of their own.

The King adjourned the Council till Thursday next at 10 A. M. to meet as a Board of Finance.

Board of Finance

Privy Council adjourned Meeting as a Board of Finance 28th October 1847

Present The King

Pahi

Leleohotue

Nanaia

Lee

Premier

Mr. Sudd

John S.

Kapeau

Kelsohunnui

Wyllie

Premier
Reports upon
man laborers

Mr. Young said something which Mr. Sudd interpreted to mean the presentation of the Reports upon the Policy of introducing German Labourers.

Mr. Wyllie stated that no day had been fixed for these Reports - that the subject was one of great importance & after hearing the opinion of Judge Lee, on the time he required, proposed that the first Meeting of the P. Council

in December, should be fixed, for the reception of these Reports -

This was voted in the Affirmative -

Mr. Sudd's Report on what he had done in the matter of £2000, is kept the sum of \$1000 that has been proposed.

Mr. Sudd rose and said that he was not ready with his Report, that there were many Copies to be made out which would require time, especially if they were to be translated by Judge Andrews -

After some conversation, between Mr. Wyllie & Mr. Sudd, upon the expediency of the Privy Councils meeting on separate days as a Board of Finance and as a Privy Council, Mr. Sudd said he would be prepared to produce his Report upon Thursday next at 10 o'clock -

Mr. Wyllie stated to His Majesty that the next special matter for consideration was Mr. Lee's application, in relation to his Salary, which Mr. Lee had given notice of at last Meeting.

His Majesty ascertained the pleasure of the King and Council to receive the application, Mr. Lee observed as follows

May it please Your Majesty - I present this application with the greatest diffidence; and beg that I may be pardoned for speaking in a matter so nearly relating to myself. By this application I would by no means convey the idea, that unless my salary is increased, I shall retire from Your Majesty's service, for nothing can be farther from my intentions - As I have said in my written application, I have not served this People with mercenary motives, and God forbid that I ever should - No, I would not abandon

Mr. Lee, on the subject of the increase of his salary

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Your Majesty's service at this time, were I to receive no more than \$500 per year - I only wish to know what is to be my position and pay for the future that I may write by the "Bulletin" and make business arrangements accordingly -

The Premier then read Mr Lee's application in Native, which was dated 27th of October 1847

Mr Sudd observed to Mr Lee that the Legislature has appointed Mr Lee President of the Superior Court, and that whenever the law was promulgated, it was his intention to propose that \$3000 should be fixed as his salary -

Mr Wyllie thought that without waiting for the promulgation of the law, the Commission could be extended at once and the salary fixed -

Mr Sudd proposed that Mr Lee's application be referred to a Committee. Mr Wyllie reconsidered that motion

It was moved that the King appoint a Committee. The King appointed Mr Sudd, Paki & Ketuanarua as the Committee to report upon the same, to the Privy Council on Monday at 10 o'clock, which was unanimously approved of.

Mr Sudd read the following accounts of balances due for tuition &c at the Royal School -

(D)

Mr Sudd moved
Committee
consider and
report upon Mr
Lee's salary

Payments
for the educa-
tion of young
chiefs

Mr. G. B. Rooke	\$97.30
J. Kapanea	219.73
Gideon Laumei	45.25
Jane Loeau	110.61
Lebokoku	93.68
Kekuanaoa	274.40
Kanaina	27.80
Paku	106.68
Keoni Ana	108.30
The King, for Alexander	114.30
John Li	53.80
	\$1251.85

Proposed by Mr. Sudd that each pay \$200 yearly for each child, payable half yearly, and that any excess beyond that be paid by the Government. The half yearly expense for each child, for the last 6 months has been \$114.30.

There are 13 scholars which at \$200 a year, will be \$2,600 (There are 14 including Jane Loeau who has left)

Jane Loeau's bill for \$110.61 was assumed by Government & vote taken to that effect

Mr. Sudd interpreted Mr. Cooke's apc for six months from - April to - September 30th amounting \$1,006.10

The above proposal of Mr. Sudd was adopted by Vote, after a long discussion

Mr. Sudd said he wished to lay an important matter before His Majesty.

Mr. Richards the Minister of Public Instruction is sick and has been given up to

Apc Royal
School with
Mr. Cooke

Mr. Sudd's Motion
a new Min-
ister of Public
Instruction

die, though he still lives

The Minister of the Interior has been appointed to act for him provisionally -

Mr. Richards contracted to pay a certain sum to Teachers, and a heavy debt is accumulating, which Mr. Young cannot properly attend to.

Mr. Tudd suggests that they should consider this subject and who is a proper person to supply the place of Mr. Richards -

Mr. Armstrong
minuted

Mr. Kekuanaoa & Mr. Paki suggested Mr. Armstrong, but wish him to continue Pastor of the Church.

John Si says that he would vote for Armstrong, but did not see how he could continue Pastor after being appointed Minister.

Andrews
Molokai
minuted

Kapeau proposed Mr. Andrews of Molokai. Paki said he is the best man after all.

Kekuanaoa thought that another man might be got for the Church, so as to admit of the appointment of Mr. Armstrong.

Hyllie's
marks

Mr. Hyllie rose and said a sense of duty to the King induced him to state that the appointment of a Minister of Public Instruction, in the peculiar circumstances of the Islands, was the most important under the Crown. On public instruction was based the security of His Majesty's Crown, and the progress of His subjects in

civilization and christianity. That, therefore, an appointment so momentous for good or evil, ought not to be precipitately made.

That the man of greatest talent, most moral worth, most devoted to the King and to his subjects and best acquainted with the language should be selected and he believed that man to be Mr. Armstrong. He gave this opinion as if speaking in presence of his Maker and having to answer for it, at the great day of judgement. But he hoped that whoever might be appointed, the appointment should be considered provisional, so as to meet the case of the possible recovery of Mr. Richards.

Mr. Sudd interpreted what Mr. Wyllie had said in an abbreviated form

Mr. Sudd agreed with Mr. Wyllie in the importance of this measure, and that a decision on the question should not be precipitated.

Mr. Sudd's opinion is that Mr. Richards will not recover, even though he should recover it would be a long while before he would be fit for business. He stated that he had recommended Judge Lee for the Land Commission & the Premier to act provisionally for Mr. Richards. That he had put off the motion upon the subject of education, as long as possible, believing that it was a subject that would admit of delay. That he feels convinced that Mr. Armstrong would not be able to give an answer before June, next year, which

Mr. Sudd

Mr. Sudd
spring his
unbel to
himself -

would not do. That he had
reflected upon this subject, but kept his
Council to himself, thinking that no good
would arise from its discussion.

That about a month ago, Mr. Richards's death
was looked upon as certain and that Mr.
Armstrong was preparing his funeral sermon.

Sudd has
sent to Mr.
Andrews of
Molokai to
come down.
Mr. Andrews
checked to

That under these circumstances he
had written to Mr. Andrews of Molokai inviting
him to come down. That he had
spoken with Mr. Armstrong who had recom-
mended Judge Andrews, to whom he had
objected. Mr. Armstrong has afterwards
suggested the names of Mr. Gulick and
Mr. Andrews of Molokai as fit persons.

That he (Mr. Sudd) has taken
some pains to ascertain his knowledge of the
Native language and that he had written to
him in Native to come down by the 1st of
November and that he had replied in Native
and was now here.

That Mr.
Andrews is willing to accept the office and
thinks he could manage the schools from the
experience he has had on Molokai.

That if the Privy Council would address him
(Mr. Andrews) a letter offering him the
appointment, he would address letters to the
Missionaries and, perhaps, in one month
be prepared to accept the office with the
permission of the Missionaries.

Sudd had
sent the office
Minister of
Public Instruction
Mr. Armstrong
for Mr.
Richards

Mr. Sudd added that he liked Mr. Armstrong
and had offered him the situation of Minister of
Public Instruction before Mr. Richards had
agreed to accept it.



said it was his mind that this matter is the most important one that can come before the Privy Council - With the Minister of Public Instruction rested the weighty responsibility of moulding the mind and character of this Nation for generations to come. How necessary then, that we select the best man the Kingdom affords. He had looked around him to see who this man was, and his mind and heart were fixed upon Richard Armstrong. He was his first choice, and in his humble opinion the Man of all men best adapted to discharge the high duties of this post. He gave his preference to Mr. Armstrong because he was a good man, a wise man and an industrious man. He would say nothing in disparagement of Mr. Andrews of Molokai, for he knew little or nothing about him. But he did know Mr. Armstrong, and thought he should certainly have the first offer. He was a true and devoted to this Nation and one whom we could not mistake - A question of such vast importance required our most sober deliberations, and he trusted that in whatever we did, we might not move with precipitation - He most heartily concurred with Mr. Wyllie in his remarks, and would end as he began, in stating it as his firm conviction, that Richard Armstrong was the Man.

Mr. Lee proposed that a Committee of three should be appointed to confer with Mr. Armstrong upon this subject and offer him the appointment. He begs upon him to give an answer in one month - He moved the following Resolution, viz

Committee of
appointed
to confer with
Armstrong

Resolution.

Be it resolved that a Committee of three be appointed by the Privy Council to request of Mr Armstrong the acceptance of the office of Minister of Public Instruction, and that the period of one Month be given him to determine the matter and give a decided answer.

Seconded

by Mr. Young & passed unanimously.

John Lee's remarks

Mr. Lee spoke very eloquently in favor of both candidates - said that either of them do well, but that Mr. Armstrong was a good fisher of men and that his loss would be severely felt in the Church.

Mr. Lee's remarks

Mr. Lee replied that for that very reason that he was a good fisherman, he fish many during his journeys on the Islands and that by the appointment his sphere of usefulness would be increased. He believed Mr. Armstrong was an active man, and would make frequent tours of the Islands.

Committee of appointment

Mr. Mylie moved that Mr. Sudd, Mr. Lee and Governor Kekuanaoa be the Committee of three referred to in the foregoing Resolution.

Question of propriety of Mr. Lee corresponding with Consul General Miller

This Resolution was unanimously passed. Mr. Lee wished to know the opinion of the King in Council upon the propriety of corresponding direct with the Consul General upon the furries to be drawn for British subjects accused of crime.

Voted in the affirmative after Mr. Mylie had expressed his views in favor of that practice.

Senbyck's
of 25th Oct.
taking the
ing for use
of his Yacht

Mr. Hyllie took occasion to acquaint the
King Council of Mr. Senbyck's courteous
thanks for the Kings Yacht, which appeared
to please the King and Chiefs -

James Hough
Henry James

25th Oct. 1847

Application for a Whaling Charter between
Lahaina and Honolulu -

Mr. Hyllie suggested that it be referred to
Judge Lee, to say whether under the Laws it
is competent for the Minister of Interior
or the Privy Council to grant such Charters,
and that Judge Lee bring up his opinion upon
the question upon Monday at 10 o'clock.

After some remarks by Mr. Sudd
this was agreed to, and the King adjourned
the Council to Monday at 10 A.M.

1847

Privy Council 1st November

President The King

Piki

John Li

Kekuanana

Sudd

Lee

Kapaepa

Premier

Kanaina

Keliiahonui

Paki

Hyllie

Kapeau

Mr. Lee's
inion 28th
ber 1847

Mr. Sudd interpretes Mr. Lee's Report upon
the application of James Hough & Henry
James referred to in the Privy Council of the
28th. The Lee's opinion is as follows
Honolulu Oct. 28th 1847

To His Majesty and the Honorable Members of
His Privy Council -

In

In answer to your Resolution of this date, calling upon me for an opinion as to the legality of granting the Charter prayed for by James Hough and Henry Femmes, in their communication to His Highness the Premier, under date of the 25th Inst. I beg most respectfully to present the following

After an examination of the laws relating to Charters of incorporation, I am of the opinion that the power of granting this Charter resides in the Minister of the Interior, under the direction of His Majesty in Privy Council -

With the highest respect, I have the honor to be

Your Most Obedient
humble Servant

(signed) William L. Lee

Letter to John
Freeman 23rd
June 1847

Mr. Sudd then laid upon the Table the Charter granted by the Minister of the Interior to John Freeman on the 23rd of June 1847 -

Vote of the Com:
of three
Judge Lee's
Carby.

Resolved that the Charter be granted.
The Premier read the Report of the Committee recommending the following Salaries, viz
\$3000, to Judge Lee as President of the Superior Court - or Chief -

\$1500 to Judge Andrews
\$1000 " John D. " } S

to commence in days from the date of the promulgation of the Law.

Mr. Myllie

Mr. Myllie said, May it please Your Majesty I have much pleasure in recommending

this Report to your Majesty in this Council. From the high Salaries in Great Britain paid to Judges - and being the oldest Constitutional Government - other Governments in many things take their rule from England, and from the inducements held out to Mr. Lee in the U. S. Mr. Wyllie considered even \$3000 a year, by no means an adequate salary for Mr. Lee. But Mr. ^{Lee} ~~Wyllie~~ approached the King not as a man bargaining with His Majesty upon the basis of dollars and cents - but upon the just, honorable & equitable basis of measuring what salary he ought to receive by the convenience of His Majesty's Revenue & then offered to serve for \$500 if it should be found that the Treasury could not afford to pay more.

Mr. Wyllie took that occasion to state to His Majesty in Council that he put a very high value upon the services of Mr. Lee - that he believed if Mr. Lee had been at the head of the Judiciary since he (Mr. Wyllie) had the honor to serve His Majesty, where he had to work ten hours, he would not have had to work one.

Mr. Lee, in an eminent degree, enjoyed the full confidence of His Majesty's Subjects, native & naturalized - of the foreign Residents and of the public Agents of foreign powers. All his charges and addresses to the Jury, in those cases which had been tried before him, had struck all as most clear & lucid expositions of the law, and what was of still more importance to the honor of His Government, they had deeply impressed

all who heard them that Mr. Lee was a Judge of the utmost rectitude of purpose, who would unhesitatingly give an opinion against the Government itself whenever he might find it in the wrong.

Mr. Wyllie therefore hoped that it would be understood that if the King's Treasury should improve, as he hoped it would, Mr. Lee's salary should afterwards be increased, by perquisites or in some other way, and it should never be less than that of the King's other highest Officers -

Mr. Lee

Mr. Lee said that he was very grateful to Mr. Wyllie for the high commendation he had paid him, and was sorry that it was not more deserved -

It was resolved in accordance with the Report of the Committee. Afterwards the King and Premier signed the Commissions to the above named parties -

Mr. Wyllie

Mr. Wyllie begged the King's permission to inquire of Mr. Lee, as a party interested, whether he was satisfied with the above Resolution.

Mr. Lee

Mr. Lee rose and thanked Her Majesty and the Council for their liberality, stating that he was satisfied with the salary of \$3000, and should have been had they fixed upon a sum much less -

Mr. Armstrong
of 1st Nov^r

Mr. Armstrong's letter to the Honorable Judge Lee, of 1st November 1847, was next interpreted in Native, by Mr. Sudd, who stated that he would oppose it upon the

ground that his acting without renouncing all connection with the Missionaries, would give offence to the Catholics, and upon several other grounds -

Mr. Myllie inquired if the Committee had no special Report to make of their interview with Mr. Armstrong, beyond his mere letter.

Mr. Lee replied that the Committee had only received it this and had not time to draw up any Report.

Mr. Lee verbally repeated some particulars not noticed in Mr. Armstrong's letter.

Mr. Si said he thought Mr. Armstrong could not be appointed in his present character - that it would be necessary that he should divest himself of his Missionary connexion - said, that is just what I have always said -

Mr. Sudd called attention to that clause of Mr. Armstrong's letter in which he offered to make up his mind in our month and contended that in fairness he should be allowed that time -

Mr. Sudd proposed that until the end of November be given to Mr. Armstrong to consider the matter and make up his mind -

Mr. Myllie recorded that motion, and it was passed unanimously -

Mr. Forbert's application for a title to certain lands on the Island of Maui, on which he had planted Cane

Mr. Sudd submitted a plan of the land

Resolved unanimously that Mr. G. M. Robertson proceed to Maui & examine the lands and report upon them -

Manuel

Manuel Pico
expressed
surprise

Manuel Pico applies under date of 27th October.
1847, for a piece of land on the Island of Kauai, near
the Noha Estate

Resolved that, inquiry be made of
the Governor of Kauai, about the locality &c of
the land applied for -

Mr Lee
is authority
and official
of the

Mr Lee suggested that the Privy Council should
authorize him to send certain Books & printed
documents to the Honourable Samuel Greenleaf,
now in Judge Story's place.

This was unanimously approved of.

The King adjourned the Council to Thursday
next at 40 P.M.

1847

Adjourned Privy Council 9th November

Present	King	Premier
	Odhi	Kanaina
	Keliiahonui	Kaao
	Pitt	Kapeau
	P. Kanaoa	B. Kamakeha
	Judd	Wyllie

John J.

Mr Judd read in Native the Report of his
Agency, in the matter of Messrs Ladd & Co,
under the Resolutions of the King in Council
of the 17th of May 1847, as he had promised on
the 28th ultimo

He also handed a copy of the same in
English, which Mr. Wyllie read -

The Report states "it only remains
(accidentally erased)"

✓
Mr Judd's
at, on what
as done in
matter of
& Co. under
Resolution
of May 1847

for me to report proceedings agreeably with the tenor of that Resolution".

Between the dates of 20th May and the 31st, the Report states "I certainly did push
"my private claims as vigorously as possible
"in order to secure my private rights, and
"have the satisfaction of knowing that I have
"thus obtained a share of the remnant of the
"property which was being rapidly dissipated
"by the conduct of those men. I only regret
"having delayed so long that I could only re-
"cover a part of my just dues. If it be a
"fact that the suit I brought against them
"was the means of breaking up the Abolition,
"I shall not regret a result which I may say
"was unexpected to every body except
"themselves, and I shall cheerfully bear what-
"ever odium may be put upon me, when I
"call to mind how narrowly Your Majesty has
"escaped the burthen of the debts of Ladd & Co
"and the ruinous consequences that would
"have resulted to Your Government from an
"attempt to produce the means of paying
"them out of their depreciated property by
"conducting a worn out Sugar Plantation on
"a distant Island, which, in its best state
"has been the cause of all the misfortunes of
"Messrs Ladd & Co, I shall congratulate myself
"upon having opposed every proposition for the
"offer of money to Ladd & Co, and feeling the priv-
"ilege of knowing that owing to my humble
"Agency, Your Majesty's Exchequer is at this
"moment better off by \$100,000 than it would
"have been had certain proposals been accepted"

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The Report ends - "I have the satisfaction
"to announce that the vexatious and exciting
"affairs of Ladd & Co are thus brought to a final
"close, and I trust that the printed Minutes
"of the Arbitration, together with the present
"state of public interest respecting those Men,
"will for ever prove an effectual presentation
"of any effort to revise the absurd & futile
"claims which Ladd & Co have so ~~long~~^{cunningly} devised."

"I have the honor to close my Report
"by submitting to Your Majesty a copy of the
"Record of the Arbitration and to subscribe
"myself" &c

The following documents are intro-
-duced in the Report

The letter to the Arbitrators of
13th May 1847 by Brinsmade, Ladd & Cooper.

Mr. Sudd's award of \$694. 50
to Mr. Hopkins -

Mr. Sudd's Protest of 20th May.

Correspondence with S. Reynolds
about the acceptance of the Government
overtures to the Creditors -

Mr. Sudd's Caveat of 21st
May 1847.

Account of the expenses of
the Arbitration presented to Mr. Sudd on
the 27th May, but the amount not stated.

Dr. Wood's Petition to Judge
Lee of 23rd July, by which it appears that
Ladd & Co were indebted to him on the 10th Aug 1846
\$15,389 - 92

This was secured by Mortgage.
Interest to be allowed from that date to 12th 1847.

July 1847, and from that date on Principal and Interest, to the date of final settlement.

And reference is made to the Contract of 13th September 1842 with Lada H about the paper Money, upon which judgement was obtained for \$3437-55 to be first paid out of the proceeds of the sale of the Estate on the 11th of November 1847 -

Mr Sudd

Mr Sudd asked if any one had any questions to put, as he was ready to answer them -

Kananaou
for a grant
\$1000 - to
Sudd -

Kananaou says he has no question to ask - that he was well satisfied with the Report and wishes that \$1000 should be granted to Mr Sudd, as a proof of that satisfaction -

Mr Si

Mr Si said perhaps Mr Myllie might have some remark to make. Mr Myllie said he had, but he wished first to hear what remarks the Chiefs had to make.

Paki

Paki said he had voted for the sum before and was of the same opinion now.

Kanaina

Kanaina says he approves of Mr Sudd's course and thinks the Government ought to reward Mr Sudd, but wished to know if the \$1000 was for once only, or an increase of salary.

Premier

Mr Young says they are all of one ~~mind~~ opinion, that the Grant ought to be made.

Namakeha

Mr Namakeha says they had all agreed to it before

Mr Myllie

Mr Myllie stated that the Chiefs having given their opinion, he would give his, the more especially, as Mr Si seemed to wish it. The unanimity of the generous feeling of

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The Native Chiefs was highly honorable to them.
But the question is one of great importance
in many respects: it requires to be well
understood & carefully considered. To do that
required time. He therefore moved that the
question of \$1000 grant to Mr Sudd for his
Agency in the matter of Ladd & Co, in
connection with his Report just read,
be referred to a Committee, of which Judge
Lee should necessarily be one. He (Mr
Wyllie) named Judge Lee, because he was
the best qualified to estimate the value of
Mr Sudd's advocacy in that matter, and of how
far Mr Sudd had kept within the proper
sphere of the powers he possessed from the
King in Council. He (Mr Wyllie) would not
deny that as the humblest of the King's foreign
Advisers, in duty to the King, to His Majesty's
Foreign Officers and to Mr Sudd himself he
had strong objections to this grant. It was a
bad precedent to establish. What was pro-
posed for Mr Sudd to day, might be proposed
for the Minister of the Interior tomorrow, for
Mr Wyllie next day - nay, the precedent
might be appealed to by their Successors,
the future Ministers of the King, all
claiming benefactions upon the score of
extra services. His (Mr Wyllie's) idea
was that Mr Sudd, he (Mr Wyllie) & all
others were bound to serve the King to the
utmost of their ability, in whatever way
they could, under His Authority, without
making any charge beyond their salaries.
He felt sure that this was the precise

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idea of Mr Sudd — that Mr Sudd has not originated this claim, but that some of his kind friends, Patti or some other had brought it forward. Nevertheless he (Mr Myllie) was far from under-rating those services of Mr Sudd, though he could not support the Grant of \$1000 for the special purpose for which it was proposed, yet he would be the first Man to support Mr Sudd's claim to pecuniary relief, if he should make one in a proper manner, by sending in a statement to The Board of Finance to enable the Government fully to understand his position. He (Mr Myllie) wished them all to understand that he was as friendly to Mr Sudd, and his family, as any of them could be; but in similar circumstances, he would make the same motion were the claimant his own father, and if ever he (Mr Myllie), or any one for him, should make a similar claim, he invited them all to apply to him the same rule — namely to refer the matter to a special Committee. He (Mr Myllie) had other remarks to make on the Report, but he required time to consider it. He had only seen it at that Table, and if a Committee were appointed, their Report might render his further remarks unnecessary.

Mr Sudd said that he had never asked the \$1000 — that he never had had an opportunity of refusing it, but that he was asked to report his proceedings, before he could refuse —

Mr Sudd's
remarks

He begged to say, that he declined to receive the grant and that he was opposed to the appointment of a Committee, and would have no Committee

He thanked those who had thought so well of his services, as to consider them worth \$1000, but he declined to receive the grant and was only grieved that it had been insinuated that he could ever set up such a claim, or would ever consent to receive a dollar -

The above remarks of Mr. Sudd were corrected, so as to suit Mr. Sudd.

Mr. Wyllie's
inquirer

Mr. Wyllie stated that Mr. Sudd seemed to talk with an insidious allusion to him. Now he had made no such insinuation against Mr. Sudd. On the contrary he had given him credit for a higher feeling than to claim this grant - He thought by opposing it, he not only acted according to Mr. Sudd's determination to refuse it, but did an important service to Mr. Sudd, for he felt convinced that such a grant would injure him with all his best friends -

Chuanasa

Governor Tetchuanasa says I have read the remarks of you two. I do not think there was anything wrong in the expression of the Privy Council in relation to Mr. Sudd upon a former occasion. The Report of Mr. Sudd, made to the Privy Council, I highly approve of. It is common to the Government to show gratitude to those who labor for them. That Mr. Sudd has lost for himself with Lass & Co. in the contest, but has gained for the Govt.,

Precedent of
Mr Ricord

therefore he was in favor of the Grant, and did not wish to have any Committee upon the subject. Mr. Sudd is in debt, and he thinks he ought to be relieved as Ricord was relieved. He hopes the grant will be made & he desires to vote for it. Of all the Men, he is the Man who has done most for the building of the house. But as Mr. Sudd refuses it, it is needless for him to occupy the time of the P. Council, though he wishes to record his opinion. He considers it the duty of this Council to open all bonds & all difficulties. Perhaps it would be wrong to make a grant for the services in the affair of Sudd Ho., but he thought Mr. Sudd's difficulties should be relieved.

Mr. Wyllie

Mr. Wyllie begged to assure the King that the case of relief to Mr. Ricord afforded no precedent for the proposed grant to Mr. Sudd; Mr. Ricord was relieved, because after having been tried under charges of fraud & dishonesty ~~alleged to have been committed~~ in the United States, he had large sums to pay, and the Government out of humanity and generosity agreed to lend him some money. The circumstances were altogether peculiar & he hoped they would never again recur. He was glad that he was not present at the Privy Council that passed the Resolutions in favor of Mr. Ricord. In saying so, he did not mean to blame the Council for granting the relief. It was generous in them to grant it, but he begged now to inform the King and his Council that the King's Cabinet

Handwritten text, possibly a signature or a line of writing, located in the lower middle section of the page.

unanimously deprecated it, and shall all the Members of the Cabinet, including Mr. Sudd, had concurred in a Resolution, that what was done to Mr. Record should not be acted upon as a precedent for any of them.

Kaunawaia
winder

Kaunawaia thought still that as relief had been granted to Mr. Record, who had deserted their service, Mr. Sudd was more worthy of it, who remained laboring for the good of the Government

Mr. Si's
marks

Mr. Si said he had agreed to the grant of \$1000 the other day. He did not then know exactly the grounds of it, but he approved of the vote. Mr. Wyllie & Mr. Lee made objections to it, and he approved of that too. I have since reflected more upon it, and I find that Mr. Sudd is in debt, I should be willing to vote him some thousands. I thought after Mr. Sudd had presented his Report that he had been unable to recover his dues from Ladd & Co. — that he had commenced building a house depending upon the money from Ladd & Co., but he had failed to obtain it — that there was money to be paid to Carpenters &c. I have often conversed with Mr. Sudd and he has told me he was in debt. I have never heard that he is out of difficulty. To day Mr. Sudd had made his Report, which is satisfactory to us, and different people had made their remarks that Mr. Sudd should be paid. He had wanted to hear what Mr. Wyllie had to say as he and Mr. Lee doubted about it.

What Mr. Wyllie has said in relation to Mr. Sudd he approved of as correct, and he approved of the appointment of a Committee to decide whether Mr. Sudd should be paid or not. Mr. Wyllie appears to have spoken from general principles more than from friendship for Mr. Sudd. Some of his remarks showed his friendship for Mr. Sudd; therefore he does not see that this grant is bad, it is for the good of the Government. That Mr. Sudd has objected to the supposition that the claim is made by him; he also admits he did not know that Mr. Sudd had any Report to make the other day, when he voted for the grant. The Resolution for the \$1000 was brought forward by Mr. Sudd's friends. Was glad when Mr. Sudd refused to receive the sum, & said that no Committee was necessary. If Mr. Sudd does not wish any Committee he does not vote for it. If Mr. Sudd says his salary is not sufficient for his support, that can be shown by his accounts. He has said nothing about them, in his Report. He repeated what Kekuanaoa had said about the relief of Mr. Ricord.

Paki

Mr. Paki said he had voted for the grant because certain rents had been given to Mr. Sudd which he had not been able to collect, the rent of Maunapilika*, for instance. The rents of the Wharoes also were given him from year to year.

Rents of Maunapilika
signed to
Mr. Sudd

When Ladd he failed he did not

* See Mr. Wyllie's note page 163

succeeded in collecting his rents.

The Government has received great allowances from his Agency, but he does not appear to have been very successful in collecting his own dues.

What we agreed to before, about the money, should be done. It is his decided opinion that Mr. Sudd ought to be paid.

Paki says he objects to appoint a Committee.

Mr. Wyllie

Mr. Wyllie said that he fully concurred in the views of John Li, Paki and other Chiefs about relieving Mr. Sudd and inquiring whether his salary was sufficient for his support, but he was surprised to hear from Mr. Paki that Mr. Sudd had already received grants that he (Mr. Wyllie) never had heard a single word of before.

Under these circumstances, out of regard to the honor of Mr. Sudd himself and in justice to the King & Chiefs, who really did not seem to understand what they were about, (though for their kind & generous feelings he gave them great credit) he would move the following Resolutions

No. 1

Resolved that to enable the King & Council, intelligently, to consider the position of Mr. Sudd and grant him the relief which he has not asked for, but which it is desired to extend to him, it is important that Mr. Sudd present to the King in Council such accounts as may show his exact position and whether his salary is adequate to

Two Resolutions moved by Mr. Wyllie

the support of his family or not. 155
v. 2

Resolved that agreeably to the Laws, all the accounts of the Kings Ministers, from the date of their appointment up to date, be prepared and laid before the King in Council preparatory to the relief of M^r. Sudd; and that a statement be made of all grants, donations and benefactions to every Foreign Officer of the Kings Service, so as that His Majesty may know the exact position of each of His Foreign Officers &

M^r. Sudd objected to these Resolutions, and after some discussion, Mr. Wyllie consented to withdraw them, if M^r. Sudd would consent to the quarterly audit of all Ministerial accounts as the law, which they had all sworn to obey, required

M^r. Sudd

M^r. Sudd altogether denied Mr. Wyllie's view that the constitution & laws required any such presentation of Ministerial accounts. He said he had presented his to the Cabinet, not because the Cabinet has any power to ask it, but because he thought he was suspected ~~said that he was in debt, but not to the Government - Thus owed the Govern-~~
~~ment some £100000~~ Mr. Wyllie said he was right in so thinking (This was to M^r. Sudd in English) M^r. Sudd said he was in debt, but

not to the Government - Has owed the Government some \$600 and odd in account for 30 days, but he had now paid up that sum - That if he should be in debt he would endeavour to obtain the Money somewhere else, but would never apply to the Board of Finance

Mr Wyllie

Mr Wyllie begged the King to excuse him for saying that he wholly dissented from Mr. Judd's view, that under the laws and usages of other Governments the Ministers were not accountable to the King in Council. Under the laws, of all the Ministers, Mr Judd was made the most accountable, and it was properly so, in all Countries with Ministers of Finance. The King has a right to know, periodically, the state of His Treasury and how it was managed - The respectability and even stability of His Government depended upon the grand principle of the due subjection and accountability of all His Ministers to Him. Upon this point he regretted to see Mr. Judd of a somewhat different opinion, to find him starting objections and conjuring up difficulties; but he (Mr. Wyllie) considered the principle of so much importance that he would respectfully suggest that His Majesty should take the opinion of Judge Lee upon the subject.

Mr Wyllie then moved the following Resolution, which was adopted -

Reference to Judge Lee

Resolved that the question be referred to Mr. Lee whether it be imperative, under the laws, that the Salary accounts be of all the

Kings Ministers he presented quarterly - audited by the Auditor, and brought up by the Minister of Finance to be laid before the Board of Finance, which Board is now the Privy Council.

Hall's letter
6th Nov. 1847
asking for an
appropriation
of \$500 for
medicines

Mr. Sudd read Mr. Hall's letter of 6th Nov. 1847 asking for an appropriation of \$500 yearly to be expended in Medicines for the use of the Natives. Moved by Mr. Hylie & seconded by Mr. Sudd that the appropriation be made. Passed with some opposition.

Mr. Kanawa
& Pico's
Land

He read a letter from Mr. Young to him inquiring respecting some land on Atou, asked for by Manuel Pico. It appears Kanawa wants the land for himself and rendered certain explanations. Pico's application rejected and Kanawa's postponed until the Surveyor goes down.

Resolved on motion of Ketuanaow that this matter be arranged in the office and not brought forward in that crude manner before the Privy Council.

Mr. Richards's
Funeral

Ketuanaow wished to know about the Funeral. Mr. Sudd read the Programme. It was agreed that it should be a plain civil one without any show of Military.

The King adjourned the Council to Friday next at 10 o'clock precisely, to meet & discuss any thing specially concerning Mr. Richards' Funeral -

1847
12th November

Adjourned Meeting of the Privy Council
Present The King

Paki	Premier
Nao	Anaia
Kapean	Namathola
Wylie	Sudd
Tekuanaua	~~H. H. H.~~
	Keliakonu

Funeral of
Mr. Richards

The following Resolution was passed

Resolutions of
regret for
this loss

Resolved that the King's Govern-
ment deeply regret the loss of the late
Minister of Public Instruction

All officers of the King's Government
are ordered to wear Grief on the left Arm,
for the space of thirty days from the
13th instant.

The Governor was instructed to
Marshall the Procession

Mr. Sudd to take charge of
the Biers -

King to ride down with the
Premier & Chiefs and to arrive punctually

Mr. Myllie's Note, in correction of
preceding Minutes relating to Mr. Sudd.

At folio 27 of this Volume,
See folio 27 under date of 29th June 1847, it is recorded
that Mr. Sudd, in a disobliging manner declined
to ~~put~~ interpret what Mr. Myllie said to the
King about buying Maunakilita; and at
See folio 151 folio 151 it is further recorded that the
Chief Paki, under date of 9th November,
while advocating a grant of \$1000 to Mr. Sudd,
has alledged as reasons for doing so, Mr.
Sudd's inability to collect, for his use, the
Rents of Maunakilita, and of the two Wharves
which has been leased to Messrs. Sudd & Co.

Now Mr. Myllie feels much
pleasure in recording here, that Mr. Sudd
on the 26th of November 1847, in presence of
Judge Lee, fully satisfied Mr. Myllie, that
he (Mr. Sudd) had meant nothing disob-
liging to Mr. Myllie, on the 29th of June 1847,
and that Mr. Myllie has misunderstood what
Mr. Sudd interpreted as uttered by the Chief
Paki about the Rents of Maunakilita
which Rents have not been assigned to Mr.
Sudd, as Mr. Myllie has been led to suppose
from his misunderstanding the interpretation
of Mr. Sudd.

Mr. Myllie further adds that
all this has been more fully explained to Mr. Sudd
in Mr. Myllie's letter to him of the 4th instant

(Signed) R. C. Myllie

T. Office 6th December 1847

1847

Privy Council at the Palace 26th November

Present The King

Paki

Keliakonui

Kamakola

John Si

Premier

Kanaia

Tekuanaua

Kao

Mr. Sudd

Mr. Wyllie

Mr. Sudd's
intimation to
Wyllie that he
did not in-
terpret -

Mr. Sudd told Mr. Wyllie in the Balcony, no one being present, that he might as well inform Mr. Wyllie that he intended to refuse to interpret for him -

Mr. Wyllie said that of course to interpret or refuse to interpret depended upon himself, and that he (Mr. Wyllie) had always regretted the want of a proper official Interpreter, as Mr. Sudd could not always attend -

Mr. Dawson's
letter of 1st Nov?
1847

The Premier brought up Mr. Dawson's letter & read it in Ration. It was discussed in Ration and a vote passed -

Afterwards Mr. Wyllie took the letter in his hand, and said to Mr. Sudd; I do not ask you to interpret this letter ~~on the~~ vote, because you declined to interpret.

Mr. Sudd

Mr. Sudd, after some remarks, said he had no objection to that being recorded -

Mr. Wyllie

Mr. Wyllie, addressing the King, stated that he wished His Majesty to know that Mr. Sudd refused to interpret, & that, consequently he could not express his opinion upon Mr. Dawson's case, or any other case, but still in execution of his duty as a

Privy Counsellor, he would continue at his Post. This was not interpreted.

Mr. Sudd

Mr. Sudd made some remarks in Native, which also were not interpreted.

Mr. Wyllie

Mr. Wyllie, addressing the King, said Your Majesty will of course perceive that not knowing what Mr. Sudd has said, I cannot make any objection - This was not interpreted -

Discussion

A discussion followed among the Chiefs, in which the King took an active part. It was not interpreted.

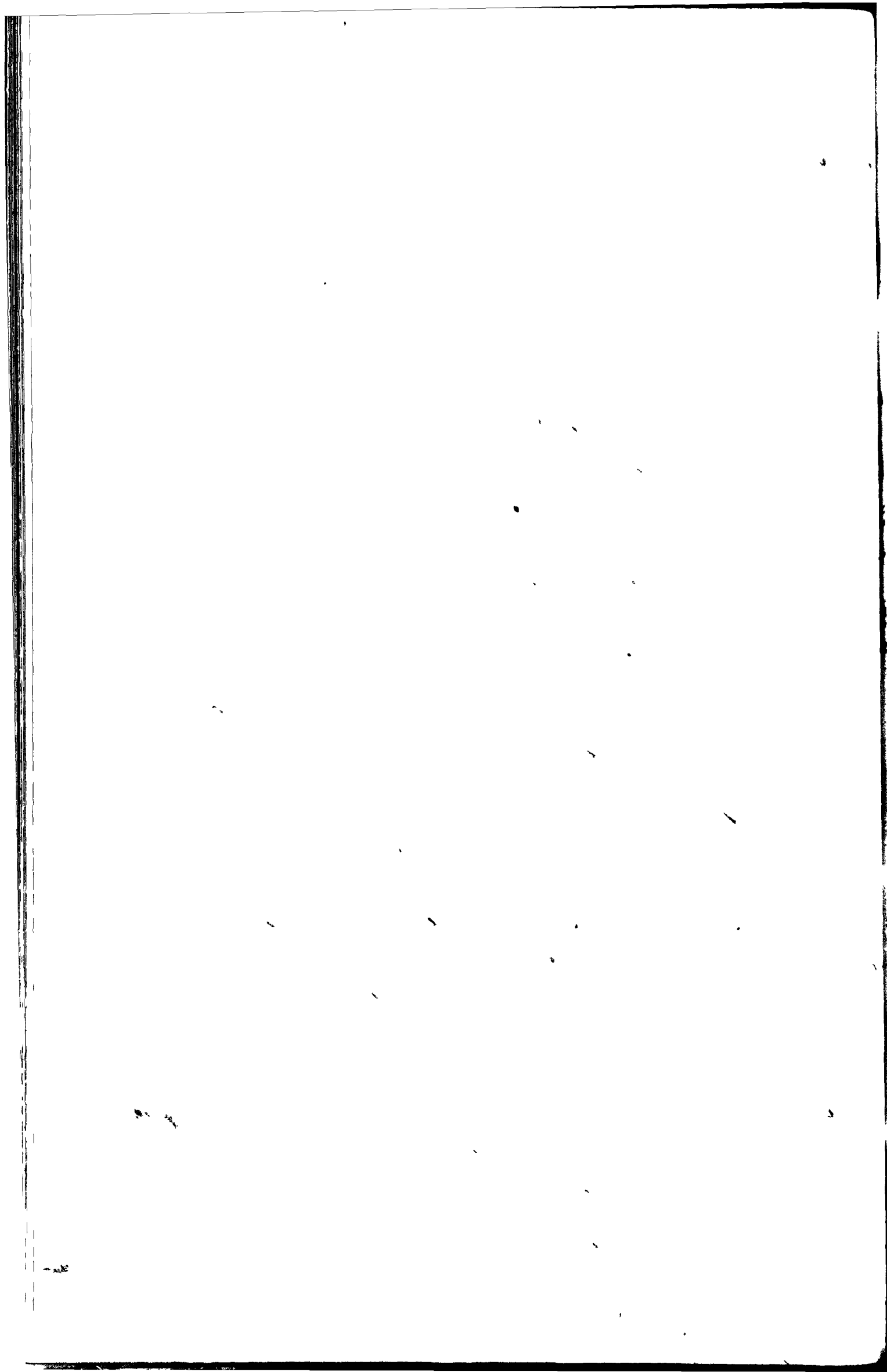
After it was done, Mr. Wyllie observed to the King, that as he did not understand one word of what had been said; he hoped His Majesty would do him the favor of appointing, at His pleasure, some day for a special Privy Council next week, at which Mr. Sudd might make known his reasons for refusing to interpret and at which Mr. Wyllie could attend with an Interpreter, to account to His Majesty. Neither was this interpreted.

Mr. Sudd

Mr. Sudd said that it was not his wish to make the matter one of the Privy Council - that he was willing to state his reasons to Judge Lee -

Mr. Wyllie

Mr. Wyllie replied that he had no objection to that course, but that he thought that on a matter originating in the Privy Council, he had the right to account afterwards to the King in Privy Council - that he recognized no other Master but the King, and that he had



a right to account to him, and not to Mr Sudd, who was not his Master

The King

After conversation among the Chiefs the King came forward to Mr Wyllie and stated that he thought it best that Mr Sudd and Mr Wyllie should first endeavour to settle the matter before Judge Lee -

Mr Wyllie

Mr Wyllie replied it always gave him pleasure to obey His Majesty, and he gladly did so, in this case.

Business suspended

Mr Young bundled up his papers and suspended the business -

Mr Wyllie withdrew

Mr Wyllie asked the Kings permission to retire, and left Mr Sudd with the Chiefs at the Palace.

Mr Wyllie's Note of 6th December 1847

Mr Sudd met Mr Wyllie, in presence of Judge Lee at $\frac{1}{2}$ past 3 P.M. to explain why he had refused to act as Interpreter. Mr Sudd requested Mr Wyllie to read the Minutes of the 9th November, which Mr Wyllie did. Mr Sudd then requested Mr Wyllie to read the 25th By-Law proposed by Mr Wyllie for the regulation of proceedings in Privy Council, which is to the following effect - "Any wilfully wrong or imperfect translation, shall on proof thereof be punished by ejection from the Privy Council, and deprivation of every office of Trust held under the King."

Mr Sudd stated that he

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considered that that By-law, was meant for him, and that he could not subject himself to incur such a risk, especially where his interpretations were wrongly understood, as has been the case on the 9th ^{with reference} to the Rents of Maunakilikā. Paki had not said that the Rents of Maunakilikā were assigned to him (Mr. Sudd) nor had he so interpreted him. What Paki had said ~~was~~ that the Rents of the Wharves had been assigned to him (Mr. Sudd) down at Maunakilikā, and not that the Rents of Maunakilikā had been assigned also.

Mr. Wyllie stated that he was most happy to hear this and would with great pleasure add a Note to the Minutes; he regretted to have misunderstood Mr. Sudd's interpretation, but he had done so, in perfect good faith, as Mr. Sudd ought to have been persuaded from Mr. Wyllie's letter to him of the 18th — that as Mr. Sudd replied to that letter without saying any thing in denial of what Mr. Wyllie wrote on the 18th, about the assignment of the Rents of Maunakilikā, he (Mr. Wyllie) has been confirmed in the belief that they were assigned — that Mr. Sudd ought to have undeceived him, on that point which he could easily have done at the Privy Council of the 9th and when replying to his letter of the 18th, but he (Mr. Wyllie) would joyfully correct the Minutes — that mistakes in all Minutes often occurred, and hence the

general rule adopted everywhere, at every
 Meeting to read the Minutes of the previous
 Meeting, for correction and approval and
 then to vote them - that the Minutes had
 been so commenced, but very soon the
 translation into native, was altogether
 neglected, and therefore it was impossible
 to do so - that therefore Mr Wyllie had long
 foreseen the necessity of having an
 Interpreter and Secretary, understanding
 both languages to keep the Minutes of the
 Privy Council - that that very question
 had before been before the Privy Council
 who had appointed Mr. Richards and
 Mr. Sudd a Committee to confer with
 Judge Andrews and Mr. Cooke, and to
 report to the Privy Council which they
 had not done - that therefore he
 (Mr Wyllie) was not a little surprised
 that Mr. Sudd could have supposed
 that the 25th proposed by law was
 meant for him - it was not so meant,
 but for a Translator and Interpreter, as
 a distinct Officer attached to the King
 and Privy Council - that Mr. Sudd
 ought so to have seen by the whole tenor
 of the by-laws proposed - that those
 by-laws were only Mr Wyllie's suggestions;
 as such they were passed to Mr. Sudd for
 him to amend them, or propose others;
 and that therefore, the 25th by-law, not
 passed, but merely proposed, however
 offensive, could never justify Mr. Sudd
 in refusing to interpret for Mr Wyllie.

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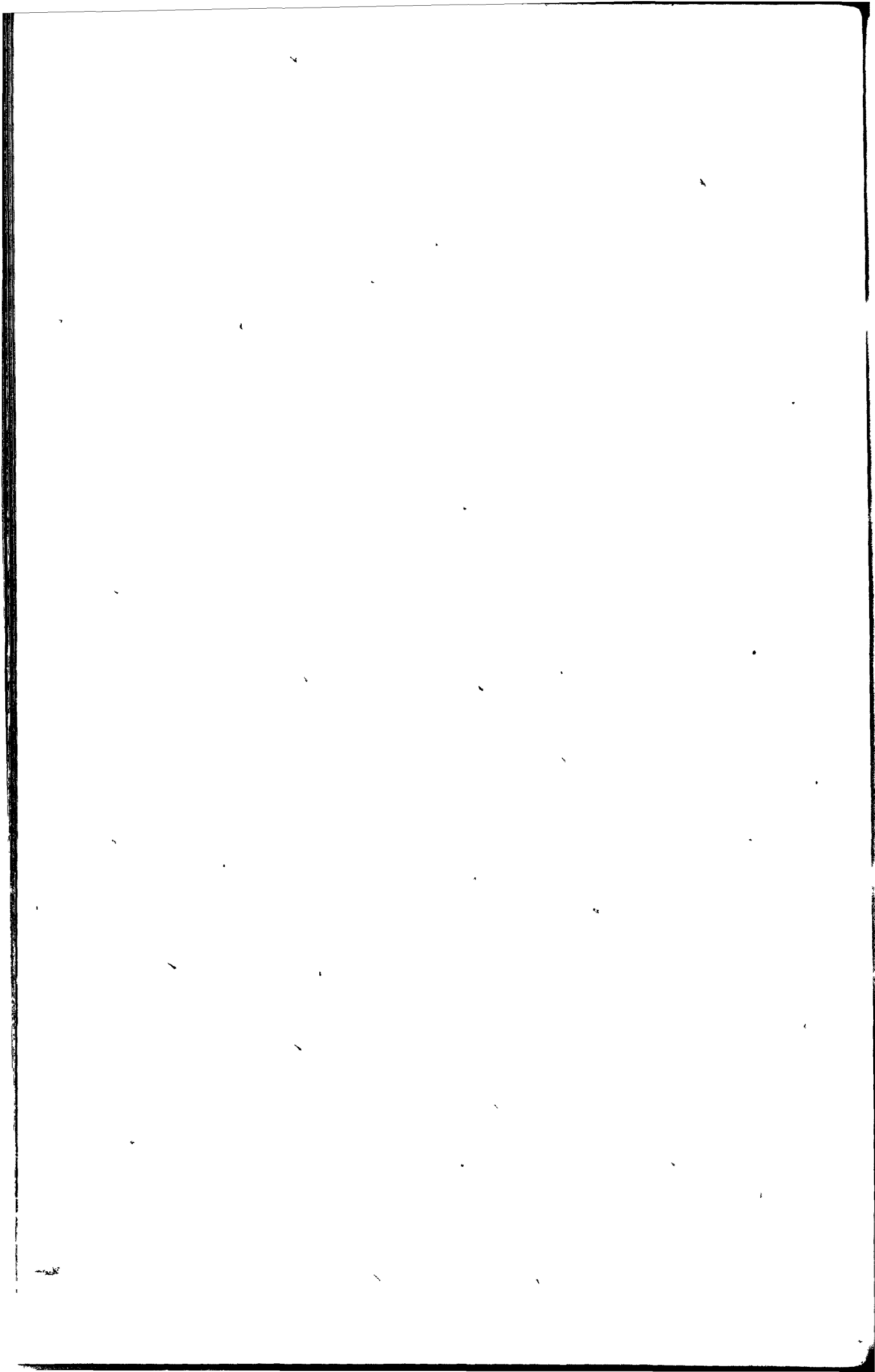
and that Mr. Wyllie regretted that Mr. Sudd had seen fit to take that extreme course, before the King in Council, without saying one word to Mr. Wyllie, who could easily, and would with pleasure, have undeceived him of all his misapprehensions.

Mr. Sudd said, he had certainly understood the 25th by-law as meant for him, but on being now assured that it was not, he would go on interpreting - that he had no objection to take an oath, but he could not undertake to interpret, under such a stringent by-law as the 25th.

Mr. Wyllie explained why, having an Interpreter, as a distinct Officer, very stringent rules were required for him -

Mr. Sudd referred to the Minutes of the 29th June last, where it had been recorded that he had declined to interpret for Mr. Wyllie about Maunakilikā, and explained that he ^{had} meant nothing uncourteous -

Mr. Wyllie said, of that, the most that he had ever thought was that Mr. Sudd had treated him, in a very small matter, in a manner in which he would not treat Mr. Sudd in any matter, whether great or small - that he certainly felt hurt, though before the King and Council, he had suppressed every manifestation of chagrin - but that he had some reason to be hurt at Mr. Sudd's manner was proved by the fact that the very next day Mr. Richards called upon Mr. Wyllie, expressly to soften down Mr. Sudd's conduct -



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But Mr Myllie has long ceased to think of that small matter, and he would add a Note to the Minutes to that effect.

Mr Myllie pressed Mr. Sudd to take the Books and go over the whole Minutes, now embracing 5 Volumes - 3 of the Privy Council and 2 of the Cabinet Council, and to mark in pencil any remarks that he might have to make - that the Minutes of the Privy Council ought to be kept in the Palace and for that reason a proper Interpreter and Secretary was much wanted - that Mr Myllie had kept them from absolute necessity, at great labour to himself and to his Clerk, and that he was most anxious to see them properly kept by a proper Officer appointed for that purpose -

During the whole time, Mr. Lee made no remark -

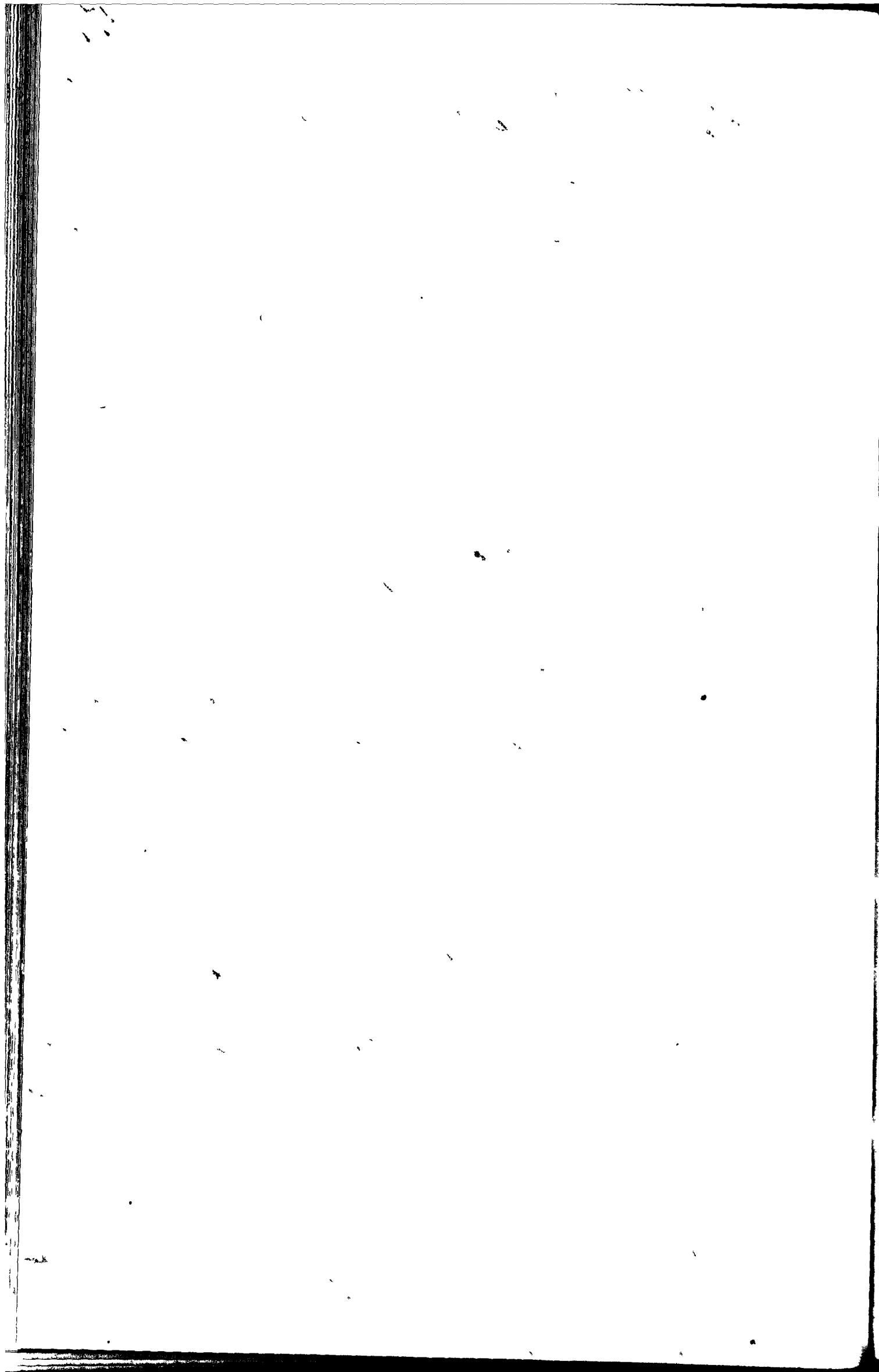
The following is Mr Wyllies Report to the King
 Council, Presented on the 21st of October -
 See page 77

Foreign Office 15th October 1847
 To His Majesty
 The King
 in Council

May it please Your Majesty
 Your Majesty in Council, on
 the 26th July, vouchsafed to refer specially
 to me, the proper mode of celebrating the
 fourth Anniversary of the Recognition of
 the Independence of this Kingdom, by
 Great Britain and France, on the 28th of
 November 1843

This question has become one of
 unusual delicacy, owing to the very peculiar
 position in which Her Britannic Majesty's
 Consul General stands to this Government,
 since Your Majesty's letter to the Queen of
 England, requesting his recall -

It appears to me, that until a
 reply be received from the Queen of England,
 for Your Majesty to invite the Consul General
 along with the Agents of Foreign Nations,
 to any entertainment, might be construed
 into an act of condescension towards him,
 inconsistent with the grace appeal made to
 Her Britannic Majesty. To such an act of
 condescension, I should not be averse, if
 the conduct pursued by the Consul General,
 afforded any rational ground for believing



that he would ever pursue a just and liberal policy towards Your Majesty's Government. Of this, I have no hope after the extraordinary message sent by the Consul General, through Mr. Rooke, to Your Majesty; to which the attention of the Privy Council was called on the 24th ultimo.

It equally appears to me, that on a day on which a solemn act of Justice by Great Britain towards Your Majesty is commemorated, it would be ungracious for Your Majesty to omit the British Consul General, from any entertainment that might be given, and to which the Agents of other Powers might be invited.

I am therefore of opinion that no entertainment or public reception whatever be given on the approaching 28th of November, but that the day be kept as a National Holiday, as follows, viz:

- 1 - Your Majesty's large Standard to be hoisted at the Palace, or wherever Your Majesty may pass the day, from Sun-rise to Sun-set.
- 2 - The large National flag to be hoisted from Sun-rise to Sun-set on all the Forts, within Your Majesty's Kingdom, and a Royal Salute of 21 Guns, to be fired, from each Fort, exactly at 12 Noon -
- 3 - All National Vessels, in the Ports of Your Majesty's Kingdom, or at Sea, to hoist their flags, on that day from Sun-rise to Sun-set, and

- Those in Port, to decorate themselves, otherwise, as they best can -
- 4 - A Circular to be sent from the office of the Minister of the Interior to the Governors of all the Islands, to the same effect -
- 5 - Notice by Authority, to the same effect, to be given in the Polynesian and the Globe -

It is not for me to say, what Your Majesty's pleasure may be, in regard to passing the day elsewhere, as Your Majesty prefers doing, on the last Anniversary of Your Majesty's Birth. Whatever Your Majesty may command, in that respect, or in regard to this Report, it will be as much my pleasure, as it is my duty, to faithfully obey, as

the most humble of
Your Majesty's Servants
(signed) R. C. Byllie

1847

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Privy Council 2nd December, at 10 Mts past 10
A.M.

Present The King

"Paki

Keliiahonui

Kekuanaoa

Mr Suu

Premier

Kapeo

John Li

Mr Lee

Mr Mylic

Motion for the
Deposition of
Gov Pitt Lelei-
shokue

The Premier submitted a letter from
Kekuanaoa, calling for a Resolution for
the Deposition of Leleiohoku from being
Governor, upon the ground of repeated acts
of intemperance and violence

Kekuanaoa

Governor Kekuanaoa stated that he had
often given good advice to Leleiohoku, to
leave off drinking and evil associates, but
without effect. That his former excesses
had been inquired into by a Committee
appointed for that purpose, the result of
which was his suspension from the Gover-
norship of Hawaii and the Provisional
appointment of Kapeau - That all hopes
of his reform were now abandoned, and
therefore, although nearly related to
Leleiohoku, he moved that he be deposed
from the Governorship of Hawaii, ejected
from the Kings Privy Council, and deprived
of his Salary from the Government. The
Governor offered to be himself the bearer
of this sentence upon Leleiohoku -

Premier

The Premier stated that the charges
against Leleiohoku were notoriously
true - That they were known to all the Chiefs,

and that he thought such a Resolution should be passed.

Kanaina

Kanaina made some remarks to a similar effect.

Wm Li

Wm Li, in a long address, showed the necessity of the measure, and of correcting such a bad example, as opposed to the cause of temperance, order and good morals and tending to corrupt the natives.

Kekuanana

Kekuanana repeated his former charges and remarks, adding that there were other things against Lelioroku, that he had never said any thing about - that he had attempted to seduce - that unless corrected in time, his conduct might lead to danger and bloodshed.

Paki

Mr. Paki contended for adopting a prompt and decisive course to correct these evils.

McWyllie

McWyllie stated that where the Chiefs were so unanimous in condemning one of their own number, it was not for him to make any opposition. But as a general rule, and to prevent a bad precedent, he thought no man ought to be so severely punished, or punished at all, without having been made previously cognizant of the charges brought against him, having had an opportunity to vindicate himself, or acknowledge his errors, in presence of his accusers. He thought this course should be pursued with Lelioroku, and

the Resolution that has been moved, put off to a future day -

Patki

Mr. Patki said, his view was that the charges had been sufficiently inquired into before, and that there was no use for any fresh inquiry -

Mr. Lee

Mr. Lee said, this is a matter relating to the Chiefs and of your own number, in which I have no part, I have heard from the Sheriff all the things charged against him. If they be true, he is certainly unworthy of being retained in the service of the Government, and ought to be dismissed.

But it is usual in such cases, before removing officers, to specify the charges brought against them in writing, and serve a copy of them upon the accused, in order that he may examine them and have an opportunity of answering them, I should be sorry to see any Member of this Council removed from office in his absence, and without the privilege of defending himself; for it would establish a precedent at once the most unjust and dangerous.

I am decidedly of ~~opinion~~ Mr. Wyllie's opinion, that some future day should be fixed upon by the Privy Council, and Leliot Kotu, cited to appear at that time, and offer any thing he may have to offer, in his defence -

Mr. Wyllie

Mr. Wyllie begged to add that he had listened with much pleasure to all the remarks that

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had fallen from Judge Lee - that the Council ought to remember that Leleiohoku was a very young Man and Governor of the largest Island - that punishment even to the meanest culprit, was always a painful duty, and much more so, in the case of a Man of such high official rank - and that where the public good required punishment to be inflicted, it should be tempered with mercy, and after such a public hearing as to convince the Party that his sentence was just -

Mr. Lee

Mr. Lee asked Mr. Sudd to state what his opinion was -

Mr. Kuananao

Mr. Kuananao got up and stated with reference to making him cognizant of the charges that he thought they might send for him at once -

Mr. Myllie

Mr. Myllie said that would appear harsh, inasmuch as it would not give Leleiohoku time to prepare his defence, as was usual in such cases. He (Mr. Myllie) was far from objecting to the charges as groundless - where they were supported by all the Chiefs he was bound to believe them to be true, but still he thought Leleiohoku should be dealt with, in a frank, open & fair manner -

Mr. Sudd
moves a
Resolution

Mr. Sudd said you all know my views; they have been often expressed to you, but nevertheless I move that Mr. Young be requested to notify Leleiohoku of the charges brought against him by Mr. Kuananao and that on Tuesday next he be requested to answer

"to the same before the Privy Council, at the
 "Palace at 10 o'clock A. M., or in case he do
 "not appear, sentence will be pronounced
 "against him".

Mr Wyllie recorded that Resolution,
 and it was passed unanimously, excepting
 the King who gave no opinion, although he
 was present during the whole time and
 seemed to listen with much interest to the
 Debate

Mr Si
 accuses
 himself

Mr Si rose and stated that he himself
 having been refused admission by a Centence,
 has felt provoked and beat the Man, and
 that therefore he had committed a fault, as
 well as Teleshoku. He thought it right
 to make confession to the King in Council
 that they might consider the case, and
 punish him or forgive him, as they might
 consider to be just -

The whole P.
 Council acquit
 Mr Si -

Without making a single remark all
 hands were at once raised for Mr Si's ac-
 =quittal

Mr Lee

Mr Lee stated that without meaning
 to dissent from the acquittal of Mr Si, he
 felt it his duty to state, that if the Man
 struck by Mr Si should prosecute him for it,
 under the laws, the offence would be cogniza-
 =ble by the Tribunals -

The King handed
 Mr Castle's
 letter of 1st Dec.
 in relation to
 the affairs of
 Mr Richards

The King, in a very solemn manner,
 handed to the Premier, the Mr Castle's letter
 of the 1st December, on behalf of the late deeply
 lamented Mr Richards. The letter is as follows

Honolulu December 1st 1847

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 To His Majesty Kamehameha III
 King of the Hawaiian Islands.
 Sir

May it please Your Majesty. The late lamented William Richards, Your Majesty's Minister of Public Instruction, most faithful devoted Subject & Servant in his last illness, requested that the undersigned in conjunction with Mr Ludd Your Majesty's Minister of Finance would settle up his worldly affairs. Mr Ludd from the multiplicity of his cares felt obliged to decline and the undersigned has in consequence been under the necessity of acting alone in carrying out the wishes of the deceased to the best of his ability.

Being much pressed with his own appropriate labors he has felt the more need of hastening the settlement of Mr Richards affairs that he might be left free to attend to the fulfilment of his own proper duties. In the prosecution of this work he has ascertained that after cancelling the claims upon Mr Richards estate there will remain to Mrs Richards & her Children only the unfinished House, commenced by Mr R., and about five hundred dollars, a sum quite insufficient to provide (or rent) a dwelling house and adequately support them for more than a few months. It may be proper to state to Your Majesty that the house in its present condition, with

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pearls or quite materials enough on hand for its completion, The window sashes being already made and the roof frames & Verandah also, including also the sum paid into Your Majesty's Treasury for the Seed of the Land, has cost about Four thousand and two hundred dollars, as may be seen by an account of expenses kept by Mr. Richards and completed by the undersigned -

Should Mr. Richards go on to complete the house his funds would probably be insufficient and she would find herself entirely destitute of the means of support, without being able to complete the building.

Allowing it to remain as it is her means will soon be exhausted and she left destitute whilst the materials for the house are being guarded at a constant expense to her to secure them from depreciation & would be injuring from exposure to sun & rain and thus diminishing in value.

Under these circumstances, as the acting Agent selected by Mr. Richards to settle his estate, the undersigned has deemed it only the fulfilment of his duty to the lamented dead, as well as his afflicted surviving Widow & Children thus early to present this statement to Your Majesty praying that it may be taken into serious consideration and such advice be extended to the afflicted family as Your Majesty shall deem their circumstances to require -

Praying for Your Majesty's

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highest spiritual and temporal welfare the undersigned has the honor to be

Very Respectfully
Your Majesty's
Most Obedt. Humble Servant
(signed) Sam^l N. Castle

The Premier The Premier carefully read the Native version of Mr. Castle's letter; Mr. Sudd assisting him in some parts where he could not make out the Reverend Mr. Armstrong's hand-writing.

The King and Chiefs appeared to listen with very grave and serious attention.

In the meanwhile, Mr. Lee & Mr. Wyllie read over the English Version.

The King The King was pleased to observe that He had received the letter that morning and that he wished the Council to take ~~it~~ into their consideration what ought to be done.

Tekuanaka Governor Tekuanaka remarked that Mr. Richards was a good man and that they ought to provide for the support of Mrs Richards and her family, so long as they continued to reside on the Islands, and that if they went to the United States, their passage should be paid by the Government to their own home.

Premier The Premier inquired if Mrs Richards wished that the Government should take the house.

Mr. Sudd Mr. Sudd said that he knew nothing about it, as he had not been spoken to, on the subject.

Kekuanaoa Governor Kekuanaoa repeated his former remarks, with fresh expressions of kindness -

Premier The Premier observed, they were all of one mind that Mrs Richards and her children should be taken care of & provided for - What they wanted to know was, in what way they ought to do that.

Mr Wyllie Mr Wyllie stated that the subject matter of Mr Castle's letter, brought up by His Majesty, in so kind a manner, was one of great importance - that the one reward of the King's oldest servant & faithful friend was concerned in it - that in his opinion if ever there was a question that required to be seriously considered in Committee, it was this question - that considering the heavy bereavement of Mrs Richards - her nervous temperament and her scanty means, it was impossible to proceed with too much deliberation and regard to her feelings, which were easily hurt, & as easily gratified - that, therefore, every thing ought to be done in the most cautious & kind manner - that ^{no} manner was so courteous and so fair to Mrs Richards as to refer her whole case to a Committee, that Committee to report to His Majesty, with a recommendation of what ought to be done -

Mr Lee Mr Lee fully concurs in what Mr Kekuanaoa and Mr Wyllie have said, but he would go farther than Mr Kekuanaoa.

Mr Richards was the oldest, the most devoted, faithful and tried servant of His Majesty. He has given all the best energies of his body, mind & soul to this Nation, and what was more, he had died in poverty - This should not be forgotten, he would not only say with Governor Kekuanaoa that his widow & children should be supported while they resided in these Islands, but they should be supported reside where they may, in this Country, or any other. It was a matter of no consequence, whether they lived here or in the U.S. they ought to be supported.

Mr Wyllie

Mr Wyllie remarked that he most cordially concurred in all Mr Lee's observations, and that if the Committee, for which he had moved, were appointed, it would be for them to recommend how these and all other details should be arranged.

Resolved that
a Committee
be appointed

It was resolved "that Mr. East's letter be referred to a Committee, to consider its contents, and the most proper & delicate manner of providing for Mr. Richards and her family, and to report to a future Meeting of the Privy Council."

The Resolution having been passed unanimously, Mr Wyllie moved that the following Members be appointed as a Committee

Mr Dood

John Li

" Lee

M. Kekuanaoa

Keoni Ana

Mr Wyllie

These names were carried by acclamation

The Premier
read the Rev.
Mr. Armstrong's
letter of the
27th Nov^r?
1847

The Premier read the Rev. Mr. Armstrong's letter of the 27th Nov^r? stating the opposition of his Missionary Brethren to his acceptance of the office of Minister of Public Instruction, but thinks much misapprehension exists that might be removed at a General Meeting - recommends that the question be deferred till the General Meeting and repeats his offer to render any assistance for a season in the Department of Public Instruction.

The Premier added that as Mr. Armstrong had refused, he thought the time had arrived when some one should be appointed in the room of Mr. Richards; that there was no use in waiting any longer.

The following is Mr. Armstrong's letter -

Honolulu Nov^r 27th 1847

Hon. William L. Lee

Sir,

The time is at hand when a definite answer will be expected from me to your communication of Oct 28th requesting me on behalf of his Majesty & Privy Council to accept the appointment of Minister of Public Instruction for the Hawaiian Islands, in place of the late lamented William Richards. I have already expressed my deep sense of the honor conferred upon me by his Majesty's Government in this respect.

No sphere of labour, Sir,

would be more congenial to my feelings, than the department of public instruction, and I may add no branch of the Government seems to me of more vital importance to the welfare of the Hawaiian race than this. Education, intellectual, moral and physical, is the great lever by which philanthropists of every land, are seeking to redeem and elevate the mass of the people. Here it is of peculiar importance, where the safety and glory of the nation must depend in so great a degree upon the proper training of the young. If depopulation here is to be arrested; if the vices which are consuming the natives are to be eradicated; if an indolent and shiftless people are to become industrious & thrifty; if christian institutions are to be perpetuated, the work must be mainly accomplished where it has been so prosperously begun in the education of the young. Neither is it easy to perceive how this can be done without the efficient aid of the government.

~~The idea therefore of devoting the remainder of my days to the promotion of sound practical & christian education, among the children and youth of these Islands, is to me a pleasing one; the only thing connected with the office in question disagreeable to my feelings, is its intimate relation to politics.~~

But, Sir, circumstances beyond my controul compel me to decline the honor His Majesty's Government counts

confer upon me. On the receipt of your letter of Oct. 28th, I hastened to refer the subject of it, as it was my duty to do, to my brethren of the Mission. From a Majority of them I have received replies; and while there is much diversity of opinion among them, and the deepest interest expressed in the cause of education, the general sentiment is that I ought not to leave my present post for the office of "Minister of Public Instruction", while Judge Andrews, an experienced teacher and good Man, already in civil life, might be selected for said office. This sentiment is well nigh universal in our Mission. As there ~~are~~ are all members one of another, I conceive it would not be right for me, whatever may be my private convictions, to accept the office, contrary to the general voice of the good Men with whom I have been so long and so happily associated. To do so would place me in an unpleasant situation, & I fear, prove prejudicial to the interests of education. Possibly were the mission together & discussed the subject thoroughly, the result might be different, as there is evidently much misapprehension in regard to the whole matter in the minds of some members of the Mission, which could best be removed by a discussion in the General Meeting of the body.

Another serious obstacle in the way of my accepting the office, is the fact, that I have been unable to make any arrangement by which my place in

the Church Congregation shall be supplied.
This difficulty could be overcome only by a
Gen^l Meeting of the Mission -

I deem it important to add
that should his Majesty's Government
still think of selecting a Member of our
Mission, to fill the vacant office, I would
earnestly advise that the choice be deferred
until our General Meeting in May next.
This I say, from an acquaintance with the
feelings of the Boards of Missions in the
United States, & my brethren in these Islands,
in regard to Missionaries entering into the
service of Government; both are sensitive
on this point and nothing short of urgent
necessity can reconcile them to it; and
this shown there will be no difficulty in
the way.

If it will relieve the embarrass-
ment of the Government in any way, I
will again tender my assistance for a
season in the department of Public
instruction.

With the highest respect I
have the honor to be

Sir

Your most obed^t servant

(Signed)

Richard Armstrong

Kekuanaua

Kekuanaua states that in his opinion
Mr. Armstrong be appointed and so notified.
In his opinion, Mr. Armstrong was the
best Man and that he ought to be
appointed at once.

Mr. Sudd

Mr. Sudd states that the result of the application to Mr. Armstrong is just such as he had anticipated. He does not see any probability, even though they should wait till the next General Meeting, the result would be different. It was important to correct the evils arising as soon as possible, and he would recommend the Council to appoint Mr. C. B. Andrews of Molokai

Mr. Li

Mr. Li states that in his opinion both are adapted to the office. He had inquired of different parties about Mr. Andrews and all thought that Mr. Armstrong was the best Man (Mr. Sudd had interpreted the reverse, but afterwards corrected himself) - that Mr. Armstrong has had more experience & greater acquaintance with the state of things on the Islands. He thinks that he should be appointed to act, at once, and that at the General Meeting the Missionaries would grant their consent

Mr. Sudd

Mr. Sudd read Mr. Paris's letter of Nov^r 1847 from Vico as showing the evils of delay - that debts were accumulating under the engagements made by Mr. Richards, which were binding on the Government - and that the Government could not wait for six months. For that reason he (Mr. Sudd) would vote against the appointment of Mr. Armstrong; and he would always oppose the union of Missionary and Minister of Public Instruction in the same person.

Keliiahonui

Keliiahonui recommended that the office be given to Mr. Andrews of Molokai, whom he thought a good man. He thought there was no use in waiting for Mr. Armstrong.

Mr. Mylue

Mr. Mylue stated that notwithstanding all that had been said, he could not without violence to his conscience, do otherwise than support the views of Governor Kekuana'oa and John Ii. Their views were that Mr. Armstrong should be appointed subject to the approval of the Missionaries at their next General Meeting. He (Mr. Mylue) supported those views, both because he considered Mr. Armstrong the best man, & because the whole Missionary body thought him to be the best man. He had further to state that he had received certain information that the American Board of F. Missions had intimated to the Missionaries here, that their Annual Allowance of say \$35,000 a year, would soon have to be greatly curtailed, owing to the demands upon their funds, for the Missions in China. In his view that curtailment would be a great loss to these Islands & might endanger the cause of Christianity itself. It was, therefore, due, no less in gratitude than in policy, for the Government, to act so as to cultivate the good opinion & continue the sympathy of the American Board of F. Missions in the U. S. and the good will of the Missionaries here. Nothing would do that more effectually than the appointment of Mr. Armstrong, whom all the Missionaries

considered the fittest man for the Post, although from the value they attach to him, they did not like to part with him. He believed and Mr Armstrong also believed that by waiting till the next General Meeting, the Missionaries would so far consent to his separation, as to enable him to take office with their approval. In the case of Mr. C. B. Andrews, precisely the same difficulty would occur, till his Brethren consented at a General Meeting, unless he chose to separate himself without their leave or approval, and if he did so, the question would occur is that supposed disregard of the opinion of his brethren, to be viewed by the Government as a recommendation or the contrary. But he (Mr Wyllie) has farther ascertained that Mr. C. B. Andrews was not a man whom the Missionaries thought were of for a Minister of Public Instruction. It was represented that he was erratic, inconstant and without system in his habits, attempting every thing superficially, but leaving nothing done well, all which were about the worse qualities that a public man could possess.

In regard to the evils complained of in the letter from Mr. Paris which Mr. Lusk had read, those evils Mr. Armstrong could remedy, at once, by acting for and in the name of the Minister of the Interior (whom he offered to assist) as effectually as if he were in reality Minister of Public

Instruction, & quite as effectually, if not more so, than Mr Andrews could. He (Mr. Myllie), therefore, could see no reason why the Government should not wait till the next General Meeting. The Missionaries would then either approve of the separation of Mr. Armstrong or they would not. If they did not, the Government lost nothing, for Mr. Armstrong acting for the Minister of the Interior, would have remedied the evils and the Government could still appoint Judge Andrews, Mr. C. B. Andrews, or any other that the Missionaries might more recommend; and if they did approve of Mr. Armstrong's separation, the Government would then gain the best man, admitted so by all, without excepting even Mr. Sudd himself. He (Mr. Myllie) begged farther to remark that a regard for former precedents was a thing of some importance. Now the King himself had given them an example of deference to the opinion and judgement of the Missionaries in applying to them, when he wanted the services of the late lamented Mr. Richards. He (Mr. Myllie) did not see why they should not follow the good precedent set by the King, in regard to the appointment before the Council.

In conclusion Mr. Myllie said, it was due to Mr. C. B. Andrews to state, that personally Mr. Myllie knew nothing against him, except his want of a sufficiently perfect knowledge of the

language. The Office of Minister of Public Instruction require that perfect knowledge in an eminent degree, and besides it was not proper to throw the whole burden of translating and interpreting upon Mr. Sudd, or any other one man, who might be absent, or sick, at the very moment when it might be indispensable to communicate fully with His Majesty.

Mr. Sudd

Mr. Sudd understood Mr. Wyllie to say that he would write to Mr. Andrews of Molokai.

Mr. Wyllie

Mr. Wyllie rose to correct that impression. He had not stated that he would write to Mr. Andrews, nor had he ever thought of doing such a thing.

Mr. Lee

The Missionaries have been the fathers, the builders and the supporters of education in these Islands, and he thought it proper that their wishes in reference to the appointment of a person to superintend education should in some degree be consulted. Of Mr. Andrews of Molokai he knew nothing, but he had consulted with the Missionaries as to his qualifications to fill this office, and they to a man had given their opinion that he was not a fit person. They said he did not well understand the Hawaiian language, that he was rash, indiscreet, and in other ways not adapted to this place. Possessed as he was of these, their opinions, the opinions of men who had been associated with him for years,

and who knew him to the bottom, he must say, as Mr. Sudd had said of Mr. Armstrong, that he could not conscientiously vote for Mr. Andrews' appointment - Mr. Armstrong he knew, and all were of opinion that he was the man best qualified for this office. He was of the opinion of Mr. Li & Kekuanaoa that the best thing we could do, would be to accept of Mr. A's offer to assist Mr. Young until the General Meeting. He would act in the capacity of a mere Secretary to Mr. Young, and he saw no good objection to adopting such a course. For one, he believed that Mr. Armstrong at the General Meeting of his brethren, would succeed in obtaining the consent of those brethren to his entering the service of His Majesty as Minister of Public Instruction. Already had some of his brethren who just strongly opposed to such a step changed their minds, and one had come to Honolulu, for the express purpose of urging him to accept this office; others had written him, since he addressed this letter to the Privy Council, requesting him to do likewise, and he entertained the most confident hope that if the matter was delayed until the General Meeting in June next, His Majesty would be able to secure Mr. Armstrong's services.

Mr. Hyatt

Mr. Hyatt moved the following Resolution
 "Resolved that the Reverend Mr. Armstrong's

"offer to assist the Minister of the Interior
 "until the next General Meeting of his brethren,
 "be accepted; and that if he can then obtain
 "the approval of his brethren, he be appointed
 "to the Office of Minister of Public Instruction"

Kamakeha

Kamakeha admits that Armstrong is the best man - they were all of one mind upon that, but he thought the Missionaries would not allow him to go. And therefore that it would be well to appoint Mr. Andrews.

Kekuanaoa

Governor Kekuanaoa thought that the Missionaries would allow Mr. Armstrong to separate, and that with himself the greatest difficulty was about finding a house to live in.

Mr. Sudd

Mr. Sudd ~~said~~ did not think that there may be any difficulty about a house. It was sufficient for him (Mr. Sudd) to know that the Missionaries had recommended Judge Andrews for the situation, to pay little respect to their judgement in this matter. Their opinion therefore against Mr. C. B. Andrews, had no weight with him. He knew that Mr. Andrews wandered about, as Mr. Wyllie had said, but that was because he did not like preaching.

Premier

The Premier said, that the Chief of the Catholics had called upon him making complaints upon the subject of their schools and Teachers, and he thought if Mr. Armstrong were appointed, while he was one of the Protestant Missionaries, it would create difficulties with the Catholics.

Mr Wyllie

Mr Wyllie said, as the mover of the Resolution, he begged to reply that the objections of Mr. Young would all be removed by Mr. Armstrong's signing for the Minister of the Interior, so as that he should be the party responsible for any thing that was done. The Minister of the Interior had a right to accept the assistance of any man to help him to remedy existing evils, and the public had only to look to him in the matter.

Tekuanaoa

Governor Tekuanaoa remarked, if things go wrong with the Catholics, we will blame you, meaning Mr. Young.

Mr. Sudd

Mr. Sudd stated it was superfluous for him to add there, that he was a friend of Mr. Armstrong's and highly approved of him as a fit person for the office — that his scruples were founded on the difficulty of obtaining him, and that therefore he would vote in the negative.

The Resolution was put & passed Mr. Sudd voting in the negative —

Keauakea's application

The Premier submitted Keauakea's letter of the 25th November 1847, applying for land on the Island of Kauai.

The Governor thought the application should be put off till the Lands were divided —

A discussion arose incidentally upon the division of lands, in which the Chiefs seemed to take much interest.

Mr Wyllie

Mr Wyllie stated that pursuant to the Resolution of the 28th ult. he had prepared his views upon the question of German Labourers, with which that of land was intimately connected - that his statement was ready to lay on the table, but he would prefer being allowed showing it first privately to Mr Todd and to Mr Lee that they might know his views, correct any errors he might have made, and submit their own ideas. Mr Wyllie stated in his details there might be mistakes, but he would stake his credit upon the conformity of his views with the best principles of Political Economy.

Governor of Abooi

The Premier submitted his application for land on the Island of Abooi
(Application put off)

Mr Wyllie's application of 23rd Nov^r 1847

The Premier read Mr Wyllie's application for Fee Simple titles to the lands he had recently bought up the Valley

Resolved unanimously that an "Allodial Title be granted to Mr. Wyllie, he having previously arranged with M. Tekun-
"naon for the extinction of the Leases."

Mr McLane's Res of 22nd November 1847

Mr McLane's application for purchasing the Fee Simple of 318⁹⁴/₁₀₀ acres of land, adjoining his lands, for which he offers \$400, one half in 6 months & the other half in 12 months -

Resolved to grant it for \$2. an acre -

Adjourned till Tuesday at 10 A.M

230

to consider the case of Wm Pitt Leleiohoku.

1847

Adjourned Meeting (from that of second instant)
7th December

Present The King

Taeb

Kamaina

Kumapeho

K. Napaahea

Kekuanaoa

Premier

Peki - tho' sick

Keliahonui

John Li

Wm Pitt Leleiohoku

in attendance

Mr. Carson's
application

Mr. Carson's letter of the 7th instant
requesting letters of Denization, agreeably to
Section 14th Article 1st Chapter 5th of the
Executive Department of the Hawaiian
Islands

Granted -

Case of Wm Pitt
Leleiohoku

Mr. Hopkins' letter of the 2nd of Decem-
ber 1847 to Governor Kekuanaoa, explaining
the fracas committed on the 25th November
by Leleiohoku & others, and the fines which
he had imposed.

The charges were drunkenness and
fighting

Kekuanaoa

Governor Kekuanaoa thinks the
Judge had no authority to punish Leleio-
hoku while in office.

Leleiohoku said he had not received
his Commission as such

The King

The King said he not received ~~the~~ Com-
mission, but it was promised him, if he

behaved well.

Mr. Sudd

Mr Sudd remarked that he thought, even admitting the Leleiohoku had the privilege, which was not the case, by not pleading it at the time he had lost it, in that particular case.

The King

The King observed to Leleiohoku that he had heard the charges which were made against him - that it had been thought best that he should hear them openly, and have an opportunity of setting forth what he might have to say in his own defence.

Leleiohoku

Leleiohoku said, in a very respectful manner, I am charged with these faults, and about to be deprived of my honors & my seat among you. I am guilty of the charges, I have been drunk, I have been fighting. I have nothing to say in my own defence.

The King

The King said you have heard the charges against Leleiohoku and his confession, it is now for you to say what you think should be done.

It was moved that Leleiohoku should retire. He retired to the adjoining room.

Paki

Mr Paki's opinion is that he ought not to be allowed to come into the Privy Council. He can always be admitted if he is found to be wanted and that he ought not to be called Governor any longer, nor to associate with the King.

Kekuanana

Governor Kekuanana says that he

honestly believes from Leiohoku's manner that he is very sorry for being drunk & for fighting, but the best proof of repentance will be his amendment and therefore he does not see that he can vote for any thing else than what he has moved for on a previous occasion -

Mr. Wyllie

Mr. Wyllie begged leave to remark to His Majesty, that Leiohoku's manner had been extremely respectful & repentant - while on the Islands he had seen little and conversed little with Leiohoku, but he has ever found him to act in a gentlemanly way and to express himself in terms of much respect & affection for the King. Leiohoku was still a very young man - he had been beset ~~with~~ by evil associates; he was the son of one who had rendered great services to His Majesty and his Predecessors - had been Governor of the largest Island, and he thought, he might now undertake engagements that would justify the King in exercising the most gracious prerogative of all Kings, and that was mercy. He & Mr. Wyllie, much pitied Leiohoku, and thought he ought not to be punished so severely as to break his spirit & drive him to despair; but, under some solemn oath or engagement, he suspended for say six months, to be then restored if his Majesty should think proper to do so.

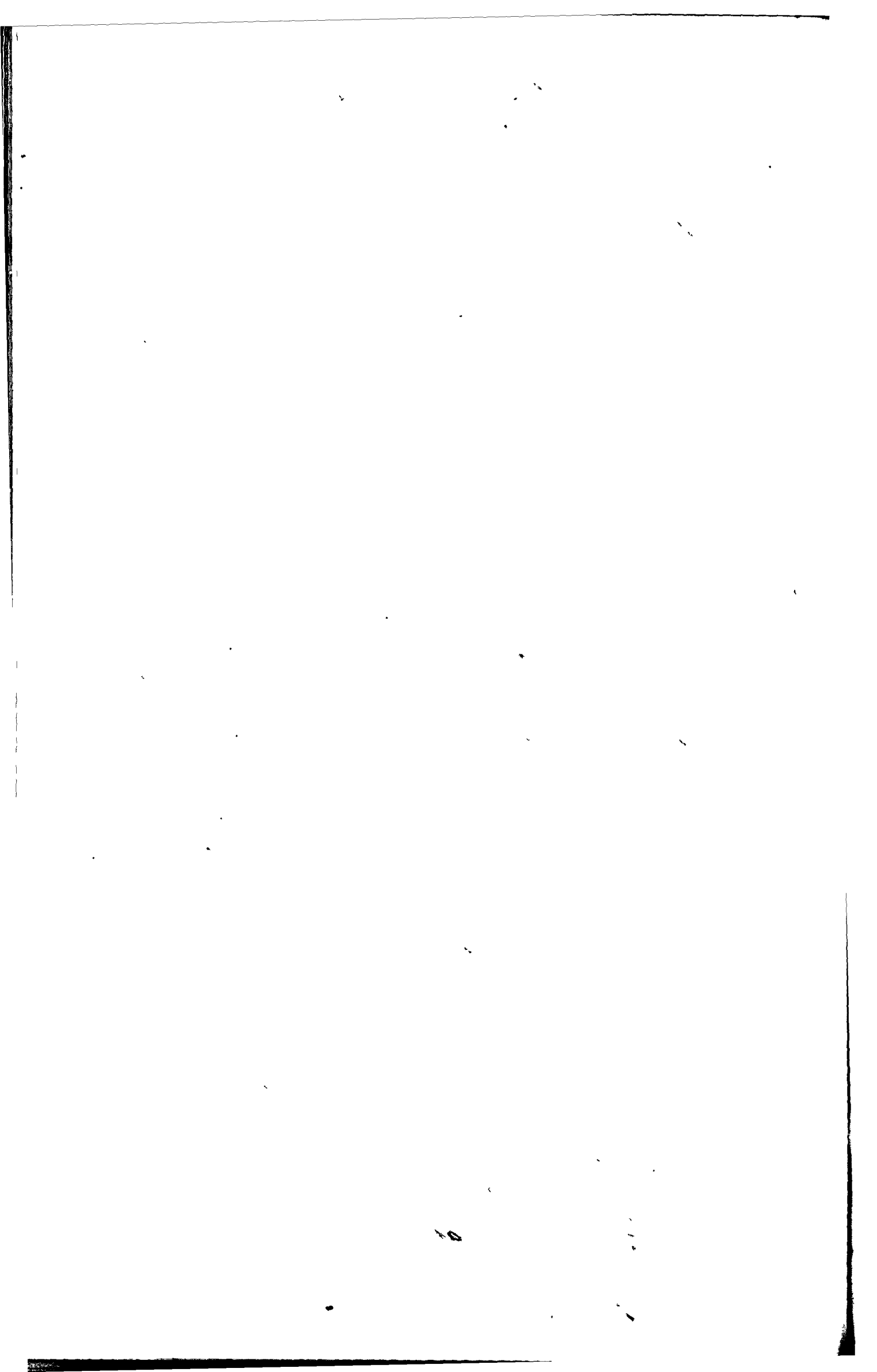
Mr. Li

said his feelings of pity were as strong for Leiohoku as Mr. Wyllie's. It is a

common thing for people to do wrong and then reform. But while he confesses what he has done, he does not express his regret: that he had had a trial of 5 months before: that he had then broken his pledge and lost his vessel - that if he was limited to a definite time the disposition to evil courses would remain - that he wishes that no time should be fixed, but that he should be replaced whenever the King and Council saw him to be deserving of it - that he would watch over him and assist him with his good advice, so as to enable him to regain his position -

Mr. Sudd

Mr. Sudd addressed the Council in Native, recapitulating Leiohoku's previous career and what had been done for him - that in 1842 Mr. Sudd asked him of Governor Adams, who told him at the time, he would make nothing of him - that he (Mr. Sudd) had retained him during the whole of the Provisional Captivity and he had acted pretty well, always confessing his errors when he committed them - that he had always given Leiohoku good advice, and finding that he had become addicted to intoxication, induced him to pledge his vessel, which was worth \$3000 to him, that he would amend - that nevertheless he had fallen back into his old courses & had lost vessel - that though pledged to him, it had gone to the Government - that besides he



had been allowed six months trial before, and that it had been of no use - that the general feeling was that something ought to be done, both on account of Leiohotu himself and the Government.

Mr. Lee

Mr. Lee, said the matter of Leiohotu was one in which he could not well judge. Of Leiohotu he knew but little, while to His Majesty & the other Members of the Privy Council he was well known, and he should cheerfully acquiesce in whatever they, in their united wisdom, should think best. But he would say if Leiohotu must be punished, let his punishment be such, as would tend to reformation, the true end of all punishment. He agreed with Mr. Li, that if he was to be suspended, his suspension ought to be indefinite - Not for one month, six months, or twelve months, but until he should form for himself a character, entitling him to the confidence of his friends, and reinstatement to the high office he now filled. Human nature was such, that if you limited a man's good conduct to a definite time, holding out to him some great object as an inducement, he would be very apt to live a correct life until the object was gained and then return to his old course.

Mr. Paki

Mr. Paki said that he had six months before, and immediately ^{afterwards} returned to his old practices - that every thing

that patience and kindness could suggest has been tried, and in vain -

Keliiahonui Keliiahonui said he agreed to his being deprived of his official rank & rights - that under the old system his place was to follow the King. Yet his youth and inexperience should be taken into consideration.

John Li John Li thinks Leiohoku is about the age of Mr. Lee. The fault is his bad education, for which we are to blame. That he cannot be considered as a child, but as a man able to distinguish between right and wrong -

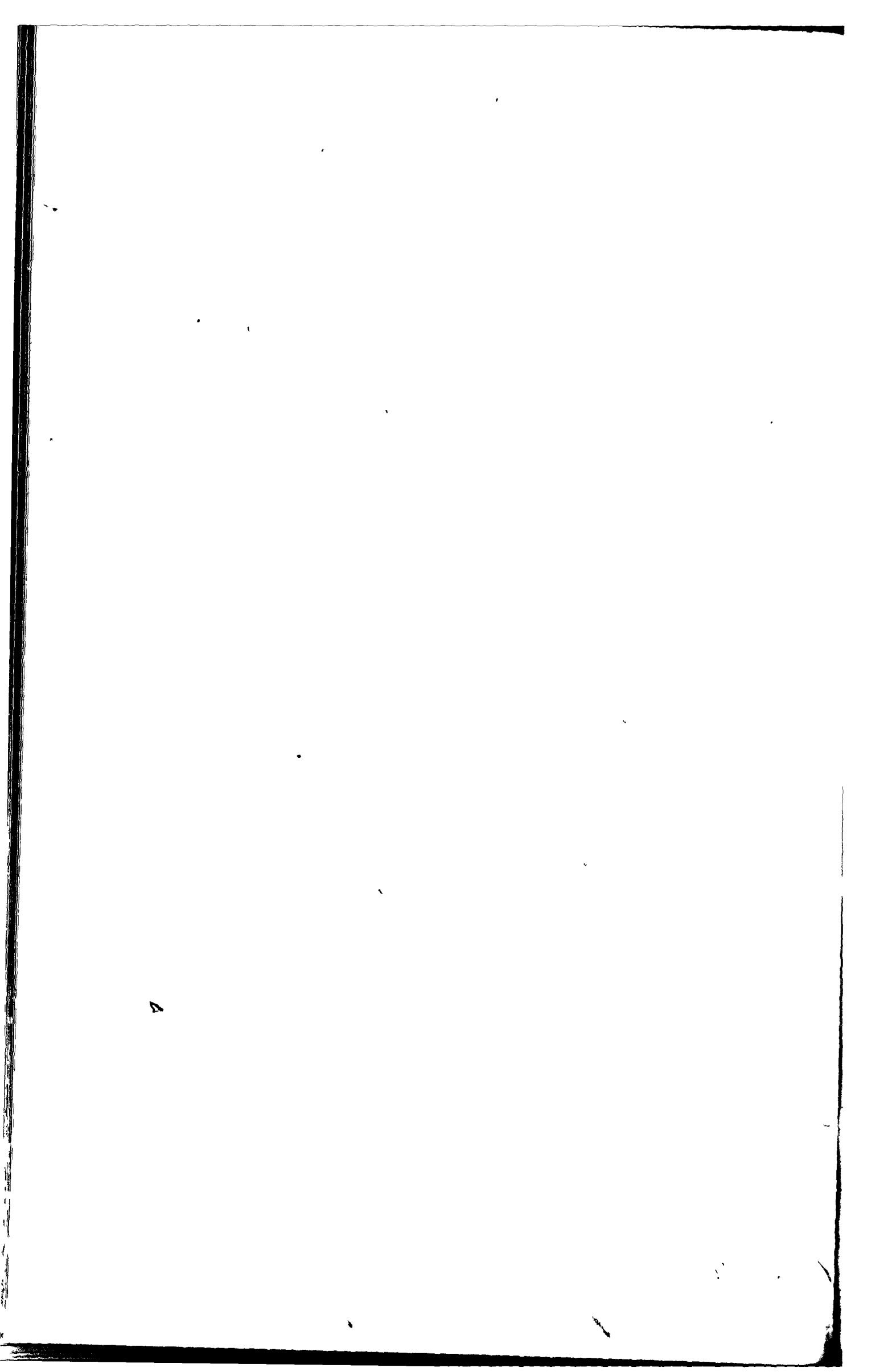
Kamakua Kamakua said Leiohoku belonged near the person of the King & therefore he has great pity for him; but still he thinks he should be deprived of all his official posts, until he shows by his good behaviour that he is worthy of being replaced so as that we call all stretch out our arms to receive him -

Mr. Sudd Mr. Sudd said, he heard that Leiohoku wished to go to Hawaii, to live there free from all temptation

Pahi Pahi said, he did not wish him to go there -

The King The King observed, that that was a question foreign to the present inquiry, and he objected to its being even mooted on the present occasion -

Mr. Sudd Mr. Sudd said perhaps he was wrong in saying any thing upon that subject which he had done inadvertently.



Premier

The Premier said his heart was heavy for Lelieiohotu, especially when he reflected that so few of the Chiefs of High Birth, were now around the King, as they ought to be. It appeared to him that by death or misconduct they would be all gone, and their places supplied by men who were not of high birth. He pitied Lelieiohotu, but he thought that he had acted so badly that it would be a disgrace to the Government to overlook it; but that if he amended, he could be replaced & it would please them all to see him again. He thought that Lelieiohotu's lands & properties should remain to him as before, but that he should be deprived of all official honors or engagement.

Kaeo

Kaeo addressing the King very respectfully said it was the duty of all to obey the King - do whatever he commanded them, and do nothing without His sanction. That was his feeling. He had much pity for Lelieiohotu, but he was himself to blame - he had brought all this upon himself, and he ought to amend so as to be restored to all his former honours.

Kanaiwa

Kanaiwa also, in a very respectful manner, said that he considered it a high privilege to be permitted to state their opinions frankly in the presence of the King.

He went over nearly the same ground as Mr. Sudd, and concluded by giving an opinion similar to that of Kaeo.

K. Kapaakea

K. Kapaakea thought he (Lelieiohotu) had never evinced so much contrition as he had done now, that he had never been before the King in Council before (the King remarked it was the second time) He Kapaakea thought it would be better to replace him, as he would then refrain himself, under his present feelings, whereas punishing him would

John L only lead him to commit greater excess

John L

John L rose to reply to the new idea of the previous speaker. He said it was the opinion of a very young man, contrary to that of all the other Members of the Kings Council. Yet if the King thought proper to adopt that course he might do it, but it would be admitting that their pleas in regard to intemperance were wrong. This would be a bad example to other Chiefs, and would disgust all the Kings foreign Officers

Kekuanana

Governor Kekuanana said, if the case of Lelieihoku was not punished many evils would result - that he had nearly committed Murder, and that if he did commit it, this Council would be guilty - that therefore it was necessary to punish Lelieihoku

The King

The King remarked he wished the Council to consider the two propositions, whether a time should be fixed, or the time left indefinite.

The Premier

After some desultory remarks, the Premier, repeating more or less what he had said before, states that in his opinion no time should be fixed, but that Lelieihoku should be carefully watched & restored whenever his conduct should show himself worthy of being restored.

Mr Wyllie

Mr Wyllie drafted the following sentence as embodying what he understood to be the views of all, and submitted it to Judge Lee

The King

The King dictated in Native something to the effect of the following sentence,

Having heard all that has been said, I wish that Lelieihoku be called in, and informed of all that has been said and of the sentence pronounced against him, depriving

him of his rank & official trusts, and that if he repent
clean his evil courses, he will be again raised up, but if
he does not his punishment will be confirmed forever
without any further trial -

Kekuanohi

The King having asked Kekuanohi what
she thought, she remarked, that she was
very sorry that Lelieohokalani's good name is
affected by this, and that he loses his rank
as a Chief, but still she approves of the
sentence. She is sorry that the only Chief
left of her family is about to be degraded -
thinks with John Li that all the blame lies
with the bad education he had received.
It would be a great loss to Lelieohokalani to
lose his name and rank as a Chief.

The King

The King remarked that having heard
all that was said on both sides, his
opinion is that Lelieohokalani be broke,
not suspended, and deprived of all his
honors and trusts, and that when he
repents and shows that he is worthy of them,
we will again receive him with open arms

His Majesty said

I have heard all the remarks made
on this case. My opinion is, that it is
best to inform him of all that has been said;
and of the punishment that is agreed upon.

If you repent immediately, to-day,
and forsake all your dissolute practices,
your correct ^{conduct} will be regarded; and you
will be left out of the Privy Council and
every other place, until the time when you
are restored as your good conduct may appear.

But

But if you regard not this - if you continue your low practices, you will not be called before us, nor held in estimation hereafter.

The King's sentence was unanimous - by approval of.

Leleiohoku was brought in and the sentence was read to him by Mr. Sudd, Leleiohoku being seated.

Leleiohoku

Leleiohoku then rose and said, I have heard Your Majesty's sentence, it is just. I submit to it. I have done all that I am charged with - my crime is drunkenness - I am ashamed of it and I repent of it. I shall in future abstain entirely and for ever. It is true I took this pledge before, but then I engaged to Men, now I make the engagement to God, in Your Majesty's presence.

Nothing could have been in better taste than this address of Leleiohoku's. It deeply impressed all present, and none more so than Mr. Sudd.

The King

The King hoped that Leleiohoku would stick to his engagement and dismissed him in a kind & courteous manner.

The King then adjourned the meeting to Saturday at 10 A. M.

Privy Council - Saturday 11th December
at 1/2 past 10

Present, The King

John Li

Kanaina

Kamakaha

Mr. Sudd

Kekuanaoa

Premier

Keliiahonui

Rekannuoli

Kaao

Mr. Wyllie

Mr. Lee

Subject.

Division
of Lands

Paki's statement
of Claims

Mr. Sudd laid on the table several statements by the Chiefs of the lands they claim, on the different Islands.

Mr. Sudd laid upon the Table Mr. Paki's statement of the claims of the Chiefs on all the Islands except Oahu.

There was a separate statement for Oahu, with some written remarks prepared by Mr. Sudd in Native.

The Premier, John Li, Kekuanaoa & Kanaina, each in turn, spoke upon the general principles embodied in the following Memoranda made by Mr. Sudd.

List of discussion

The Legislature resolved, that there are the following classes of rights inherent in all lands

1st Government

2nd Konohiki

3rd People or Tenants

The King now claims to be Konohiki of a great portion of the lands. He therefore makes known to the other Konohiki's, that they are only Holders of Lands under him, but he will only take a part and leave them a part.

Oahu has been divided on this principle. Of an individual who holds 4 lands, heretofore calling himself Konohiki, the King takes 3 - if 3 lands, 2 - if 2 lands, 1 - if one land, half. Chiefs who sit in Privy Council $\frac{2}{4}$, $\frac{1}{3}$, $\frac{1}{2}$.

Premier

John Li

Kekuanaoa

Kanaina

The Chiefs do not greatly object to this, but, they ask. Has the Government a third interest in the lands left to us? The King replies (Yes, and the Government has ^{its} interest in his. There are some who say no. Let us have an Allodial Title to what the King has left us, subject only to the rights of the Tenants.

Question 1st Is the division just?

" 2nd Has the Government claim been extinguished ^{by} this division?

3rd Shall foreigners be compelled to submit to this division?

Mr Sudd said - "I think the division proposed ought to be made"

"(An Allodial title to be given for what remains to each Chief."

"The King to select a portion of lands for himself, and devote the remainder for the support of Government. Kings lands not to be sold or leased to foreigners.

"King wishes to sell ~~land~~ ^{to some} for himself to raise Money for his own use.

Premier

The Premier made some remarks, understood to be pretty much to the same effect.

Mr Sudd

Mr Sudd entered into further explanations of his views.

Mr Wyllie

Mr Wyllie objected to the restriction suggested upon the King in the disposal of what lands might be awarded to His Majesty - Surely the first Personage in the Kingdom should not be so fettered.

Mr Sudd

Mr Sudd said the reason was that the King had no Agent.

Mr Wyllie

Mr Wyllie thought that every Officer of the Government was, properly speaking, an Agent of the King & nothing more.



It would be the duty of the Government to assist Him in the disposal of His lands. Besides he could appoint a Special Agent for the management of His lands, under the name of Chancellor, or any other Name. The Queen of England did so with regard to the Duchy of Lancaster, the lands of which she still held.

Mr Mylne strongly recommended that in this matter, regard should be had to the previous action of the Legislature and the principles already laid down by the Board of Land Commissioners, and he read an extract from his observations on land labor of the 1st inst. showing that dividing the whole area of the Islands, according to those principles 1,299,200 Acres would belong to the King - 1,299,200 to the Landlords & 1,299,200 to the Tenants or occupants of the Soil.

Mr Mylne thought the King as an Individual and as the Head of the Nation should be regarded as one - the King was the Government and without him there could be no Government; and he thought it would simplify matters & prevent future evil, if all the Chiefs & Landlords would surrender their lands to the King as their common Sovereign, to receive them back in the above proportions, with fee simple titles without any restriction, but what the Law now makes or may hereafter make.

Mr Lee said this subject was a momentous one. He hailed with delight the advent of this subject, believing as he did, that the separation of the undivided rights at present existing in the Lands of this Kingdom, was a thing of the last importance to the prosperity of the Nation. So long as Agriculture was depressed, the Nation could not rise. However it was a subject of vast difficulties, and one which he had not sufficiently considered to be able to give advice. It was a subject which he wished to turn over and over in his mind - one which he wished to ponder upon by day & sleep upon by night. His thoughts were not clear, and he thought no one would be able to point out the best and wisest

course to pursue in this great work, until he had spent much time in cool deliberation & serious study. But one thing he thought was clear, and that was, that His Majesty and the Government were one and the same thing. Beyond this, he did not feel willing to go. His momentary opinion however, which he did not wish to be regarded, was, that the Government portion of the lands should go into the hands of King, from which he should select a part as his individual property, and set aside the remainder for the use & support of his Government. The lands remaining after the separation of the portion of the King and Government, he thought ought to be divided equally between the Chiefs and Tenants, for which they should receive Fee Simple Titles. What those portions should be, he would not pretend to say. He wished before giving any decided opinion to look into the Constitution, the Laws and the principles of the Land Commission. He should be pleased to first know the definite views of His Majesty & the Chiefs, and then consult upon those views with Mr. Millie & Mr. Sudd.

It was a subject upon which he felt great delicacy in speaking, nearly affecting as it did the pecuniary interests of the King and Chiefs without touching his own. They were the great parties interested, and to them it first belonged to express their views.

Kekuanaoa

Governor Kekuanaoa expressed himself in favor of the division of lands as proposed by the King, but wished to know whether besides the lands belonging to the King personally, the Government was also to take part of their lands. He thought the lands given by the King and his Predecessors to those who had fought in the Wars should not be taken back, but confirmed to the Descendants of those Warriors, in full allodial Title. He said those Descendants were well known, and so were the lands. Besides, lands had been given to others for other special services.

McWyllie

McWyllie said, he was fully of the opinion of Mr Lee, that this important question should be well considered, and the Kings Foreign Officers, should consult together & respectfully submit their opinion upon what they considered best for all parties, before the King & Chiefs made their final decision. The question adjourned till Tuesday at 10 A.M.

Report of the
Special Committee
on the case of Mrs
Richards.

Mc^r Iudd read the Report of the Committee, on the case of Mrs Richards -

It was unanimously approved of

McWyllie

McWyllie stated that in accordance with the general feeling of the Committee, he had to submit to Her Majesty, as a thing that would much exaltify the feelings of Mrs Richards, that so long as she lived, on the 28th of November of every year, a Message of Congratulation should be conveyed to her, in the name of the King, with a Golden Eagle, an English Sovereign and a Louis d'Or of France, as a memorial of the Kings Gratitude to her Husband for procuring the acknowledgment of His Independence by those three Great Nations -

Kanaana

M. Kanaana, after some general remarks, upon the Embassy and Qualilio, concluded in favor of that small annual memorial

Keliahonui

M Keliahonui, thought as nothing similar had been done for the Mother of Qualilio, the Memorial to Mrs Richards would look invidious

Kaco

Kaco was understood to express himself, as of the same opinion.

Kekuanaoa

Governor Kekuanaoa, while fully admitting the important services rendered by Mr Richards, thought that Qualilio was equally entitled to the Kings gratitude, especially as he had embarked against his will -

K. Kapaukea
Mr. Wyllie

K. Kapaukea expressed himself to the same effect.

Mc^r Wyllie replied that he considered this matter

specially belonged to the King. He had thought that such a manifestation of gratitude to an old faithful servant would be agreeable to the King. He (Mr. Mylles) was far from undervaluing the services of M. Naalilio or others who had assisted Mr. Richards, but they were not to forget that Naalilio, by reason of his native allegiance was bound to go wherever the King might send him - that Mr. Richards was not so bound, but out of his zeal and love for the King had abandoned his Wife and Children, and had been the Chief Man in the Embassy, without whom its great objects, perhaps would not have been attained.

The value of the Coins proposed was very small, and they were not to come out of the King's pocket, but out of His General Treasury.

Mr. Sudd

thought that the matter had better be left to the King, whose opinion he would ascertain in private and afterwards communicate.

The Council was adjourned to the 14th at 10 A. M.

1847

Privy Council (which was adjourned to this day on the 11th) Tuesday 14th December, met at 1/2 past 10 A. M.

Present The King

Kao

John J.

Mr. Lee

Mr. Mylles

Nanaina

Premier

Keluaonui

Namakha

Kapaakea

Mr. Sudd

Keakoholoh

Price of the New
Judiciary Act

The Premier laid on the Table a copy of the English Version and Hawaiian Version of the Judiciary Act.

Mr. Sudd moved Mr. Mylles seconded that the price of the former be \$1, and of the latter 50. ⁷⁵/₁₀₀

Mr Lee moves
copies of the laws
always on the
New Hall Councils

Mr Lee moved and Mr Wyllie seconded that the Chamberlain
be ordered to keep always on the table, at all Privy Councils, copies
of the Laws in English and Native for the sake of reference.

Sp. J. H. Fordman
of the Bayard
13th December

Passed.

Captain Fordman's letter to the Premier of the 13th was
read, stating that Judge Hopkins had sentenced his third
Mate for Drunkenness & Stabbing to pay a fine of \$50 and
receive 100 lashes, begging for a commutation of the latter
for a fine of \$25, he engaging to take away the Man.

Mr Lee

Mr Lee stated that to commute the penalty of 100
lashes for \$25, under circumstances so aggravated, might
lead to a precedent of the very worst kind. He mentioned
the special aggravations of the case & why, in his opinion,
one dollar for each lash should be insisted upon. And
he contended that a very courteous & guarded letter should
be addressed to the Captain.

Mr Wyllie

Mr Wyllie agreed with Mr Lee, in opinion. Above
all things it was necessary to guard against bad precedents.
He thought Mr Lee was ex officio the best man to advise
the King how to exercise his Prerogative in this case,
to draft the Resolution: the Letter to the Captain.

Mr Sudd.

Mr Sudd thought that the Privy Council, by the
New Laws, had just as much right to vote in this
case as in any other.

Mr Wyllie, on
the King's Prerogative

Mr Wyllie stated that in his view, this case was
one of a remission of sentence, in the nature of reprieve,
specially belonging to the King's Prerogative. He doubted
whether it was competent for the P. Council to resolve
farther than by way of an expression of conformity with
that exercise of the King's Prerogative.

Kekuanaoa

Governor Kekuanaoa made some remarks about other
cases in which the penalty of the lash had been inflicted.

Mr Lee moved & Mr Wyllie seconded the following
Resolution: "Be it resolved, that in consideration

"of the benefit to result to the Ship 'Bayard' from the commutation of the punishment of the third Mate of said ship from that of a fine of \$50 and one hundred stripes, therefore the Privy Council would most respectfully advise His Majesty to commute said punishment of 100 stripes to that of a further fine of one hundred dollars."

The Resolution was passed unanimously -

Mr. Lee drafted a letter in reply to the Captain to be sent to the Captain.

Mr. Lee drafts a letter to be sent to the Captain.

Mr. Sudd

Mr. Myllie

Mr. Sudd said, the letter must be signed by some one.

Mr. Myllie remarked as the Captain had written to the Premier, he thought the reply should be signed by him, although the matter appeared to be one belonging to the Department of Foreign Relations -

Mr. Stevens letter of 13th December 1847, expressing a wish to know if the Government would lease the Marsh of Tolou for 50 years, at the Annual rent of \$100. The Area is about 330 Acres -

Mr. Myllie moved that a reply be sent to Mr. Stevens signifying their readiness to grant the Lease Passed in Affirmative

Mr. Myllie

Subject of Lands

Mr. Myllie observed that since last Meeting he had drawn up his views, which he begged to offer for the consideration of the Council. He thought that the King's Foreign Advisers had no personal interest in the question, yet they had a moral duty to perform, which was to offer their advice. Under that feeling he wished to make his views known, and he would be glad that they should be revised & corrected by Mr. Sudd & Mr. Lee. He said although he had drawn them up in the form of Royal Ordinances, yet it was merely to render his ideas more definite & explicit, and by no means from a wish to prescribe anything to His Majesty in Council, either in matter or form.

Mr. Iuda

266

Mr. Iuda interpreted the following suggestions made by Mr. Wyllie, ^{1st}

It is hereby resolved and ordained by Us Kamehameha III, King of the Hawaiian Islands, by and with the advice of our Privy Council, in accordance with a Resolution of the Legislature, and with certain general principles laid down by our Board of Land Commissioners, that one third of the whole lands of the Kingdom belongs to us, as Sovereign Lord, to our Heirs and Successors - one third to our Subjects the actual Chiefs and Landlords, their Heirs and Successors - and one third to our Subjects the Tenants or occupants of the Soil, their Heirs and Successors

2nd

It is hereby resolved and ordained by us, as aforesaid, that all the Lands of our Kingdom be so divided, and afterwards held in Free Simple for ever, but subject to true and faithful Allegiance to our Crown, and to what general taxes may now or hereafter be lawfully imposed upon land, for the support of our Government, of Schools and Churches or otherwise for the good of our Kingdom, provided that no such Taxes shall be imposed unless regularly voted by the Legislative Council and House of Nobles, and ratified by Us - and provided that the division hereby ordained shall not extend to those Subjects or Foreigners who may prove before our Tribunals that they already hold Free Simple titles to lands granted in good faith by Us or our Ancestors, or other parties lawfully authorized to grant the same, nor to lands

belonging to Us which we have never alienated and which still belong to Us as personal property - nor to those Subjects who may have lawfully bought up pre-existing rights and titles and paid a valuable consideration therefor - provided the Division hereby ordained do not disturb, or in any way injure the holders of unexpired leases, and provided the division between Landlords and Tenants be left to be agreed upon and settled between the Landlords and the Tenants, by mutual consent, subject only to confirmation by Us -

3rd

It is hereby ordained, as aforesaid, that all expenses of Survey and division and registration shall be divided "Pro rata" between the parties interested in the Division.

4th

It is hereby ordained, as aforesaid, that after the division shall have been made it shall be lawful to the several Owners of the lands so divided, to sell or lease them without any other restriction than that of the laws now existing or that may hereafter be enacted.

5th

It is hereby ordained, as aforesaid, that after the date of this ordinance no new application for land shall be received, unless it shall be situated in a locality where the Division herein ordered shall have been carried into effect.

6th

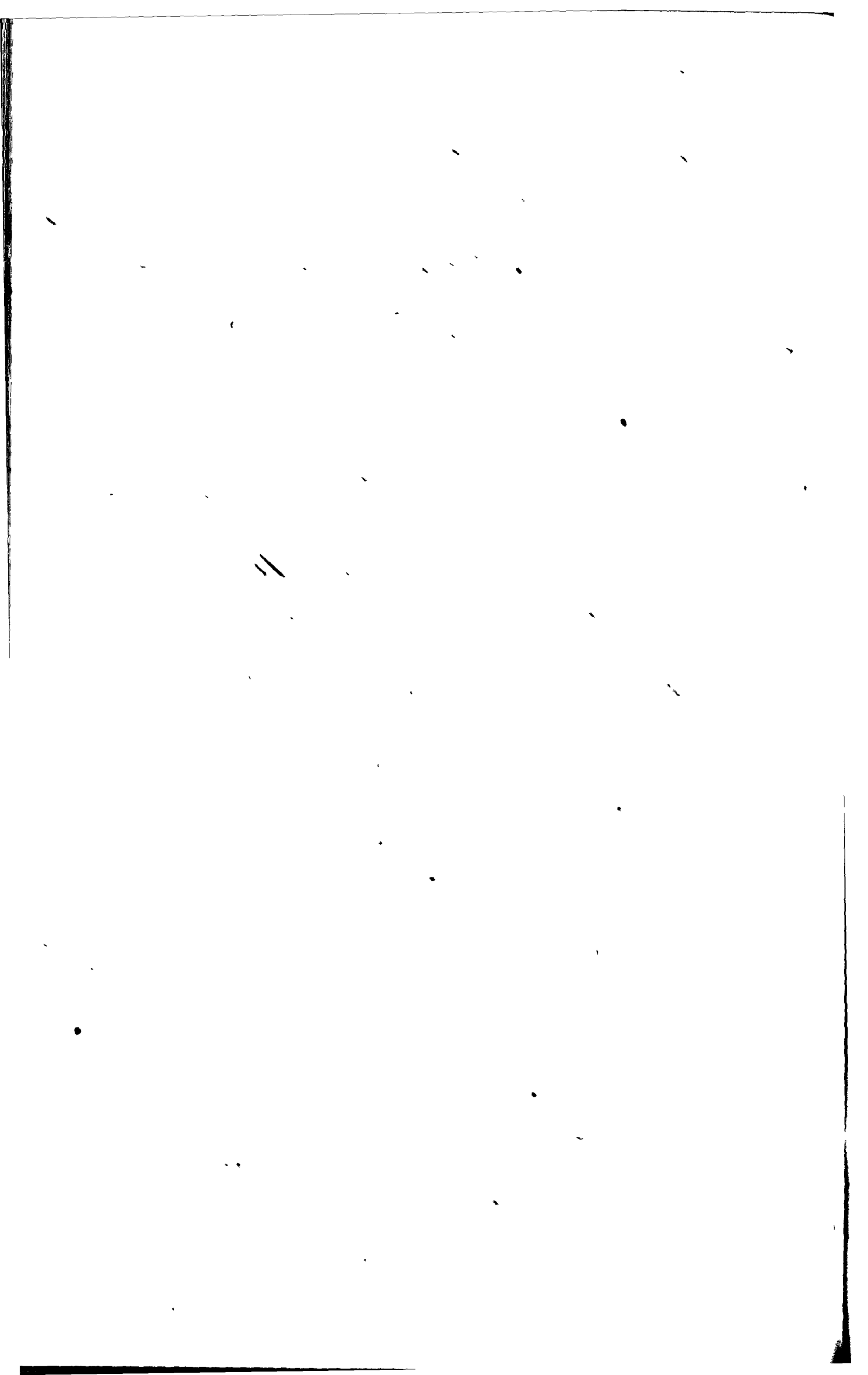
H

It is hereby ordained, as aforesaid, that as the division proceeds, all lands separated for Us, shall be recorded in a Book entitled Register of the lands belonging to the Hawaiian Crown, and Fee Simple Titles shall be granted to all other Allottees, which titles shall be registered, as required by Law.

^{7th}
And it is hereby ordained, as aforesaid, that all the Lands of the Kingdom, by whomsoever held, shall revert to Our Crown, in all cases of Treason or Rebellion against Us and our Heirs, who may succeed Us in the Monarchy, subject only to proof of those High Crimes before our Tribunals, as the Law doth or may prescribe.

^{8th}
And it is hereby further ordained, as aforesaid, that wherever lands are so small or otherwise so situated as not to be divisible without prejudice to one or more of the parties the principle of indemnity shall be adopted, after the value shall have been appraised to the satisfaction of all parties interested.

Mr Wyllie handed his suggestions to Mr. Lee and remarked to the King that upon a question like the present, exceeding all others in importance, it was of consequence that information should be sought from all quarters and that it would be better to spend one or two Months in its discussion than act precipitately.



If the question were decided, in violation of or in a disregard to the law, it might lead to rebellion, hereafter. Mr Wyllie thought that Judge Lee was the most competent man, as a Lawyer, to advise Her Majesty upon that subject, so as best to guard the King's honor - his safety - his rights, and the rights of all his subjects.

Kekuanaua Kekuanaua says, that he thinks their plan could be carried into effect more easily than Mr. Wyllie's - that he was quite willing to accept the division proposed, and that the King should take all the lands he wished to take, provided it were understood that they should have fee simple titles to the remainder, without any further claim in the name of the Government. He thought the King & Government ought to be considered the same.

Mr Lee said that at the last Meeting of the Privy Council, he had stated as a thing clear, that the King & Government were one and the same thing. He was now convinced after deliberation and some study that he was mistaken. The King and Government were one and the same in most things, but not in everything. From the Constitution it seemed clear that in property the King and Government were two separate & distinct persons. In that part of the Constitution which treats of the Privileges of the King, it said that the King was to retain all his private lands &c and he was also to have the direction of the Government Property - showing plainly that the King's property and the Government property were not the same. This view was further expressed in the principles adopted by the Land Commission and sanctioned by the Legislature. In those principles, the King's lands and the Government interest in lands are clearly treated as separate and distinct.

In his opinion it would be agreeable to the Constitution and principles of the Land Commission for the King to retain his private lands as his individual property, and then for one third of the remaining lands to ~~go to Govt~~ - one third to the Chiefs, and one third to the Tenants. He was wholly of Mr. Wyllie's opinion, that we should not act with precipitation.

Mr. Wyllie moved
a Resolution

Mr. Wyllie said every thing that has been brought forward, only showed the necessity of caution and deliberation in this important matter. He therefore moved the following Resolution — "Resolved that Mr. Lee, as a Lawyer, be instructed to present to the King in Council, a written Report upon the mode of dividing the lands of the Kingdom, that would be most just to the King, to the Chiefs and the Landlords, and to the Tenants — most consistent with the Constitution, laws and principles adopted by the Land Commissioners, and most likely to prevent disputes hereafter, and to preserve the peace and promote the prosperity of the Kingdom."

Mr. Wyllie thought it became them to look to futurity and so far as possible decide this question in a manner to protect the King and his Descendants, in all time coming from any complaint, or revolutionary attempt against what might be now done. To advise the safest, most legal & Constitutional course, Mr. Lee was the best man.

Mr. Lee moved
an amendment

Mr. Lee rose and said he did not feel qualified to prepare such a report as Mr. Wyllie desired. It was a great and most important labor, and he felt that he did not possess the requisite information & qualifications to perform such a task of himself. Before this resolution was put he desired that it might be amended so as to make this report the labor of a Committee of three or more persons, as

His Majesty might deem proper. For him alone he felt that it would be too great a task.

Mr Si

Mr Si said that Mr Lee might present a long written report, but he thought that it would create delay unnecessarily, as they were all agreed to the mode of decision.

Mr Myllie

Mr Myllie said in moving the Resolution, his view was that the great object of it was to ascertain the lawfulness of the very mode of decision proposed. He did the present Chiefs the justice to believe that they would not question the decision made, but if any thing were done contrary to the Constitution and the laws, perhaps at some future period their Descendants might object upon that ground & perhaps create a rebellion. He thought, therefore, that in this matter, they ought not to proceed without the opinion of Judge Lee.

Mr Sudd

Mr Sudd said the principles of the decision, now closely approached his plan as brought forward on the 11th. He did not see, if the Chiefs all granted their consent, that there could be any future difficulty, & therefore, he thought Judge Lee had nothing to report upon.

Mr Myllie

Mr Myllie thought the principles of the decision were one thing - the legality of those principles was another thing - and their conformity with the constitution, laws and principles of the Land Commissioners was another. It was upon these points that he wished Mr Lee to report, for if the principles should be illegal & unconstitutional it appeared to him that the Descendants of the present Chiefs & Landlords might take that as a ground to release themselves from the obligation of the consent of the present Chiefs and Landlords.

Mr Si

Mr Si said, he had a few remarks to make upon what had fallen from Mr Sudd, in which he thought there was much truth. He gave Mr Sudd credit for objecting to the quantity of land claimed to the King. He thought such a division would lead to trouble. That Liholeho when a Man had 3 lands, he took one - but now, if a Man had 6 lands,

the King would take 5. The rights of those who had served in the Wars, or rendered other services, ought to be regarded. He thought the principles of the decision should be inquired into and perhaps a Committee would be the best to do so.

Nekuanaoa M. Nekuanaoa thought that in his view what the King takes is not too much, as the King is the owner of all the Lands. He then proceeded to enumerate what lands belonged to the King on Hawaii & Maui.

Mr Lee

Mr Lee stated his belief that unless we should all agree to certain clear & fixed general principles, upon which this great and vital work was to proceed, nothing would be well done. Unless we had some prominent land marks to govern us we should labor in vain. Without these there would be no order, and we might discuss the matter for days, and arrive at nothing in the end but confusion.

Mr Lee moved the following Resolutions which were seconded by Mr Wyllie and interpreted by Mr Ludd.

"Whereas, it has become very desirable and necessary to the prosperity and proper physical, mental and moral improvement of the Hawaiian Nation, that the present undivided rights in lands, be divided and distinctly defined, Therefore,

Be it resolved, by the King and Chiefs of the Hawaiian Islands in Privy Council assembled,
1. That His Majesty in accordance with the Constitution, shall retain all of his private lands, as his individual property, to have and to hold to Him, His Heirs and Successors forever.

2. That one third of all the remaining lands of the Kingdom, other than those already disposed of by His Majesty or His Predecessors in fee simple, be set aside, for the good of our Kingdom, as the property of Government, to be under the control and direction of His Majesty, as pointed out by the Constitution.

3. That one third of all the lands of this Kingdom,

with the exception of the Kings, private lands and such other lands as may have been disposed of by His Majesty or His Predecessors in fee simple, shall be set aside to the Chiefs, in proportion to their possessions, to have and to hold to them, their heirs and successors for ever, subject to no restrictions whatever, except those imposed by the Constitution and the Laws now in existence or hereafter to be enacted.

4. That the remaining third of all the lands of this Kingdom, exclusive of the Kings, private lands, and such other lands as may have been disposed of by His Majesty or his Predecessors in fee simple, shall be set aside to the Tenants of the Chiefs. Provided however, that in the division to take place between the Chiefs and Tenants, such division shall be left entirely to the pleasure of said Chiefs and Tenants, subject only to the approval of the King in Council.

Mr. Lee

Mr. Lee, further handed in the following general principles which he had drafted; Mr. Judd interpreted them (see sketch principles entered page 278)

Resolution (Dec^r 14th 1847)

To Her Majesty
Kamehameha III,
Sire

Agreeably to the Resolution of Your Majesty this day passed in Privy Council, calling upon me to prepare certain rules to be submitted to Your Majesty for adoption in the division of the lands of Your Kingdom I beg to submit the following

Whereas, it has become necessary to the prosperity of our Kingdom and the proper physical, mental and moral improvement of our People that the undivided rights, at present existing in the lands of our Kingdom, shall be separated, and distinctly defined; therefore,

These general prin-
ciples belong to the Minutes
as they have been
there by mistake
being -

We Kamehameha III King of the Hawaiian Islands and His Chiefs, in Privy Council assembled, do solemnly resolve, that we will be guided ⁱⁿ such division by the following rules:

1
His Majesty our Most Gracious Lord and King, shall in accordance with the Constitution and Laws of the Land, retain all his private lands, as his own individual property, subject only to the rights of the Tenants, to have and to hold to them, His Heirs and Successors for ever.

2
One third of the remaining lands of the Kingdom shall be set aside as the property of the Hawaiian Government, subject to the direction and control of His Majesty, as pointed out by the Constitution and laws - One third to the Chiefs and Konohikis in proportion to their possessions, to have and to hold to them, their heirs and successors for ever - and the remaining third to the Tenants, the actual possessors and cultivators of the soil, to have and to hold to them, their heirs and successors for ever.

3
The division between the Chiefs or the Konohikis and their Tenants, prescribed by rule second, shall take place, whenever any Chief, Konohiki or Tenant shall desire such division, subject only to confirmation by the King in Privy Council.

4.
The Tenants of His Majesty's private lands, shall be entitled to a fee simple title to one third of the lands possessed and cultivated by them; which shall be set off to the said Tenants in fee simple, whenever His Majesty or any of said Tenants shall desire such division.

5.

The divisions prescribed in the foregoing rules, shall in no wise interfere with any lands that may have been granted by Her Majesty or Her Predecessors in fee simple, to any Hawaiian Subject nor foreigner, nor in any way operate to the injury of the holders of unexpired leases

6.

It shall be optional with any Chief Monohiki holding lands in which the Government has a share, in the place of setting aside one third of said lands as Government property, to pay into the Treasury one third of the unimproved value of said lands, which payment shall operate as a total extinguishment of the Government rights in such lands.

7.

All the lands of Her Majesty shall be recorded in a Book entitled Register of the lands belonging to Kamehameha III King of the Hawaiian Islands, and deposited with the Registry of land titles in the Office of the Minister of the Interior; and all lands set aside, as the lands of the Hawaiian Government shall be recorded in a Book entitled Register of the Lands belonging to the Hawaiian Government and Fee Simple Titles shall be granted to all other matters upon the award of the Board of Commissioners to quiet Land Titles.

In submitting the above rules to the consideration of Your Majesty, I beg to state, that I believe these rules to be such as are dictated by the Constitution and Laws of Your Kingdom and by the liberal and bountiful

spirit which it has pleased Your Majesty to manifest
 for the good of Your Nation. It is my firm conviction
 that this silent and bloodless revolution in the
 landed tenures of Your Kingdom, will be the most
 blessed change that has ever fallen to the lot of Your
 Nation. It will remove the mountain of depression
 that has hitherto rested upon the productiveness of
 your Soil, untie the fetters of industry beneath,
 and give a life and action to the dormant resources of
 your Kingdom, which will cover your land with
 the stream of prosperity and gladness. It is difficult
 at this day, to foresee the bright results of this mo-
 mentous change. I am aware that the division of
 lands between the Chiefs and Tenants of Your Kingdom
 will be attended with a multitude of difficulties.
 I cannot say that the great mass of your Nation
 are fully prepared to receive so great an emancipation.
 They may spurn this proffered freedom. But I do
 most sincerely believe, that this great measure;
 by raising the Hawaiian Nation, from a state of
 hereditary servitude, to that of a free independent right
 in the soil they cultivate, will promote industry and
 agriculture, check depopulation, and ultimately prove
 the salvation of Your People. I believe it to be a measure
 which will meet the approval of Your Majesty in years
 to come, and cause your Name to be remembered with
 veneration and gratitude by generations yet unborn.
 I believe that if this measure be fully carried out in
 the liberal spirit in which it is begun, if the lands
 of your Majesty's Kingdom be unlocked, it will open
 the hidden fountains of prosperity, and prove the
 dawn of a new and bright era to Your Kingdom.
 That you may live to realize the
 glad promises of this Reformation, and long

live to enjoy them, is the sincere prayer of,
Your most obedient
humble servant

(signed) William L Lee

Mr Sudd

Mr Sudd thought the great point wanting was to know exactly what lands belonged to the King and what not

Mr Wyllie

Mr Wyllie concurred that that was a great desideratum, but it was no less important that Judge Lee should report upon the points above mentioned. But he would move the following Resolution — "Resolved that a Committee be appointed to enquire into and ascertain what those lands personally belonging to the King are, and after obtaining the Kings sanction to report the same to this Council"

An animated discussion followed in which the King took part.

The King

The King observed that he had granted many lands to persons, as a favor, not intending to alienate them permanently, but to take them back whenever he chose. The possessors of those lands were found to procure food for him and work for him. He therefore claimed those lands as his personal property.

Mr Sudd

Mr Sudd proposed the following Resolution — "Resolved that Mr. Lee be appointed a Committee to prepare and submit what he would recommend for the proposed division of lands"

Mr Wyllie seconded this Resolution and it was passed unanimously

Mr Sudd

Mr Sudd then moved that he should be appointed a Committee to report upon the lands belonging to the King.

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Mr Wyllie

Mr Wyllie stated his view was that the Committee appointed for that object should sit under the Presidency of the King himself & as Assistants of the King. Still he had no objection to Mr Sudd's being the Committee, provided his Report should be in writing and submitted to the King in Council.

Mr Wyllie then drafted the following Resolution -
"Resolved that Mr Sudd be appointed a Committee to receive the Reports of intelligent persons about what lands belong to the King personally, and from the whole to submit a Report, in writing, to the King in Council".

This Resolution was unanimously passed.

None of the other Resolutions herein before mentioned, ^{except the King's last} were put to the vote. They are recorded here, merely as matter of History in the discussion of a question fraught with consequences the most momentous to the present and future prosperity of this small Kingdom

Memorandum
See page 280.

1847
Privy Council at the Palace 18th December at 10 A.M.

Present The King	Premier
Kekuanaoa	Keliahonui
Namateha	Kapaakea
Kekohelaholoke	Kekauonohi
Mr Wyllie	Mr Sudd
Kaleo	Kanaina

Mr Lee came in at 1/2 past 11

Mr Sudd read in Native, his Report, formed from the statements of 12 persons in writing which he

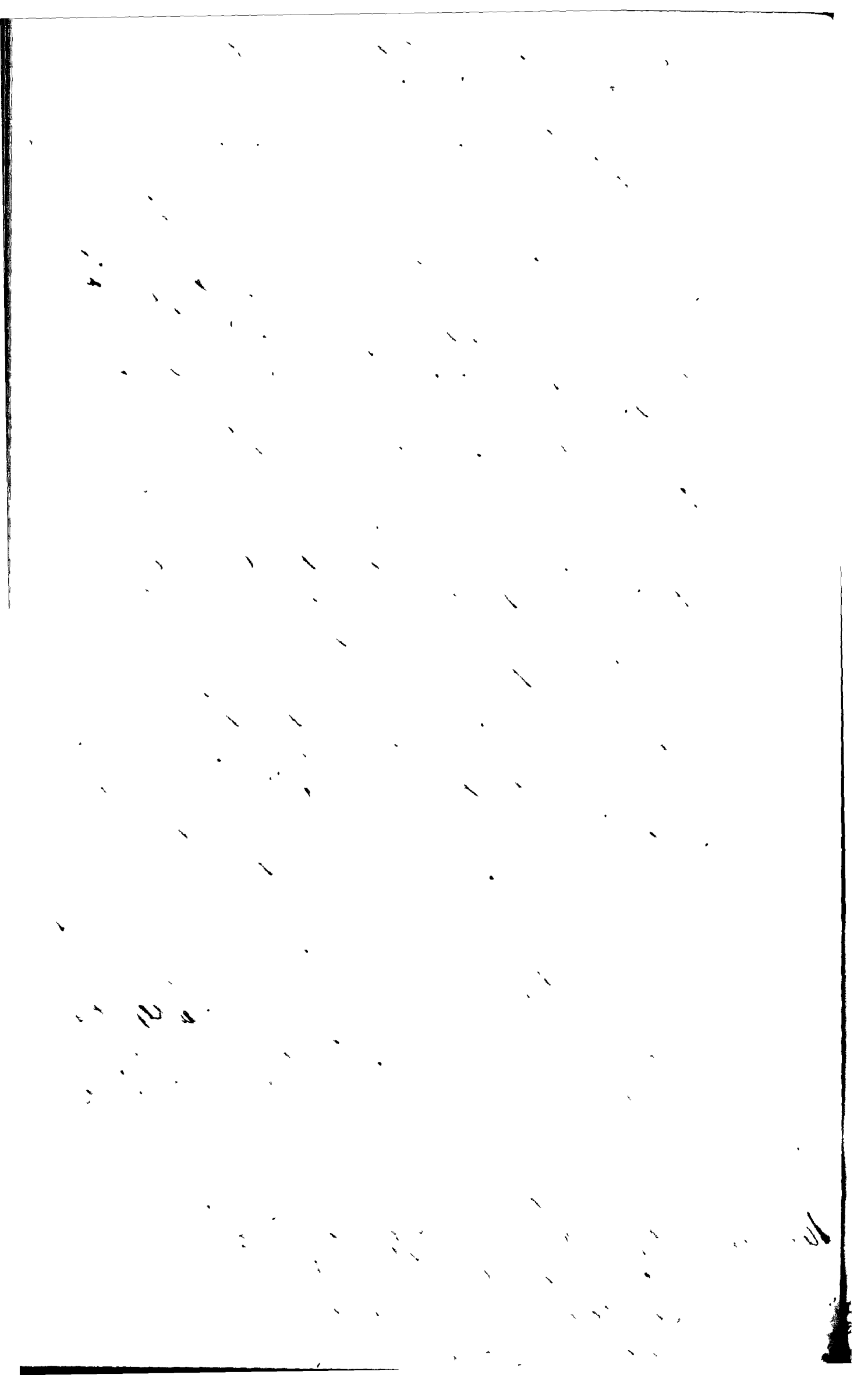
Subject.
Division of
Lands and
Mr Sudd's Report

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he had reduced to Tabular form. He also addressed the King, who sent a statement of his lands of Oahu & Kauai. Examining those statements found that the most of those who were addressed reported only the larger divisions of land while the Kings list embraces only the smaller divisions. Larger division, is Island District Ahupuaa & small do is Ili, that is portions of land smaller than Ahupuaa's. Concludes that the Kings is the best exhibit, though it only extends to Oahu & Kauai. Recommends that the lands as per the Kings exhibit be his on these Islands, and that the other Islands be divided in the same manner. Has found that the Nonohiki's held their lands of the King, subject to certain taxes of Money & service, but still they have certain rights according to the principles laid down by the Land Commissioners. Has found that the lands of the King are not subject to taxation. The King is willing, after the Nonohiki's shall have surrendered their lands to allow lands to those who are in want. Thinks, that the Government has a third in those lands to be determined by the Land Commissioners. That the King has allowed the Government to have a third in all his lands, to be also determined by the Land Commissioners. The remainder the King wishes to hold for ever, for his Heirs Successors; and he wishes a Committee of his own appointment to ascertain his lands in the other Islands, and separate the Government third.

Nekuanaoa

M Nekuanaoa repeated his former arguments that after the King had taken his lands, the Govt should not have a third in what lands remain to the Chiefs.



John Se

John Se spoke to the same effect contending that the King's rights were much less than he represented.

Kekuanana

Governor Kekuanana said that in the Premier's return to Mr. Iudd he had included all his own lands as exclusively belonging to the King and that most of the others had returned Honolulu in maps as belonging to him, though the King claimed only certain small portions ("Huis").

Mr. Wyllie

Mr. Wyllie thought that returns so made were really of no practical use, so far as regards the lands really belonging to the King, and they only corroborated the view taken by him, at the last Council, that the King assisted by a Committee should draw up a statement of his own lands & that after that was done, and it was previously well understood & agreed how the remaining lands were to be divided, it would greatly simplify matters and prevent future disputes for them to surrender all the lands to the King, and receive them back from him, by Patents of Free simple titles and to be held for ever. But Mr. Wyllie, in his own mind doubted if it would not be necessary to refer ultimately to the Legislature, and pointed to Mr. Iudd the paragraph at page 10 of the Constitution.

John Se

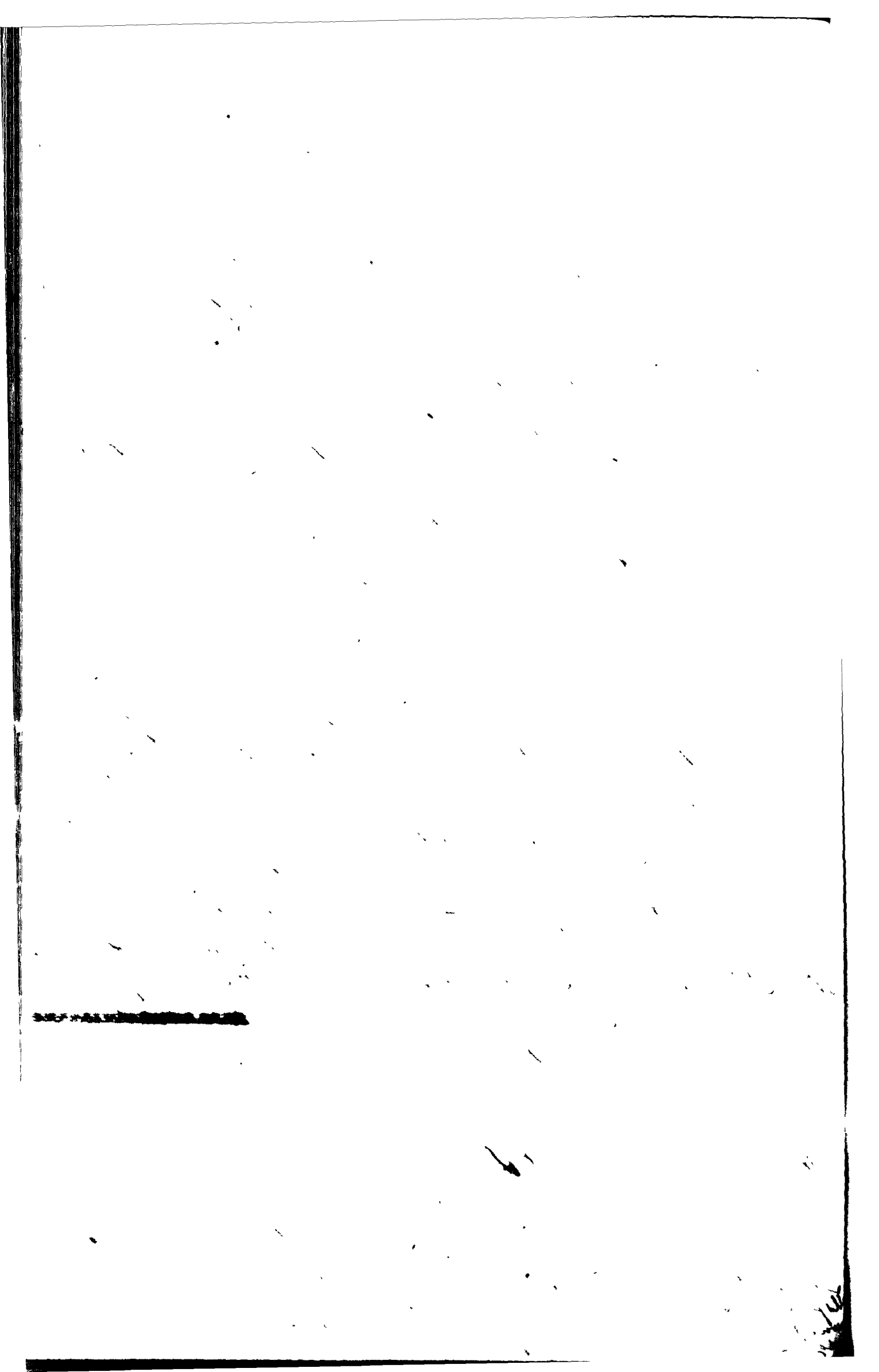
John Se made some remarks in opposition to the King's claims, but still ~~admitted~~ admitted that he would not object to have his own lands divided, as the King had divided others.

Kekuanana

Governor Kekuanana observed that having spent so much time, discussing the division, he thought that the discussion should be brought to a close.

Mr. Wyllie calls for the rules drawn up by Judge Lee

Mr. Wyllie called for the principles or rules drawn up by Mr. Lee, which he thought ought



to be read and disposed of before voting upon the question of the division of lands. He thought the Council would then be in order, as the first rule ought to be the foundation, or authority for the ascertainment and division of the Kings lands.

Mr. Judd :

Mr. Judd read the rules ~~in~~ Native Seriation, but not Mr. Lee's concluding remarks.

Akuanawa

Governor Akuanawa felt a difficulty in voting for the rules, before knowing what the Kings lands were. He thought what the King desired to take ought to extinguish the right of the Government.

John Si

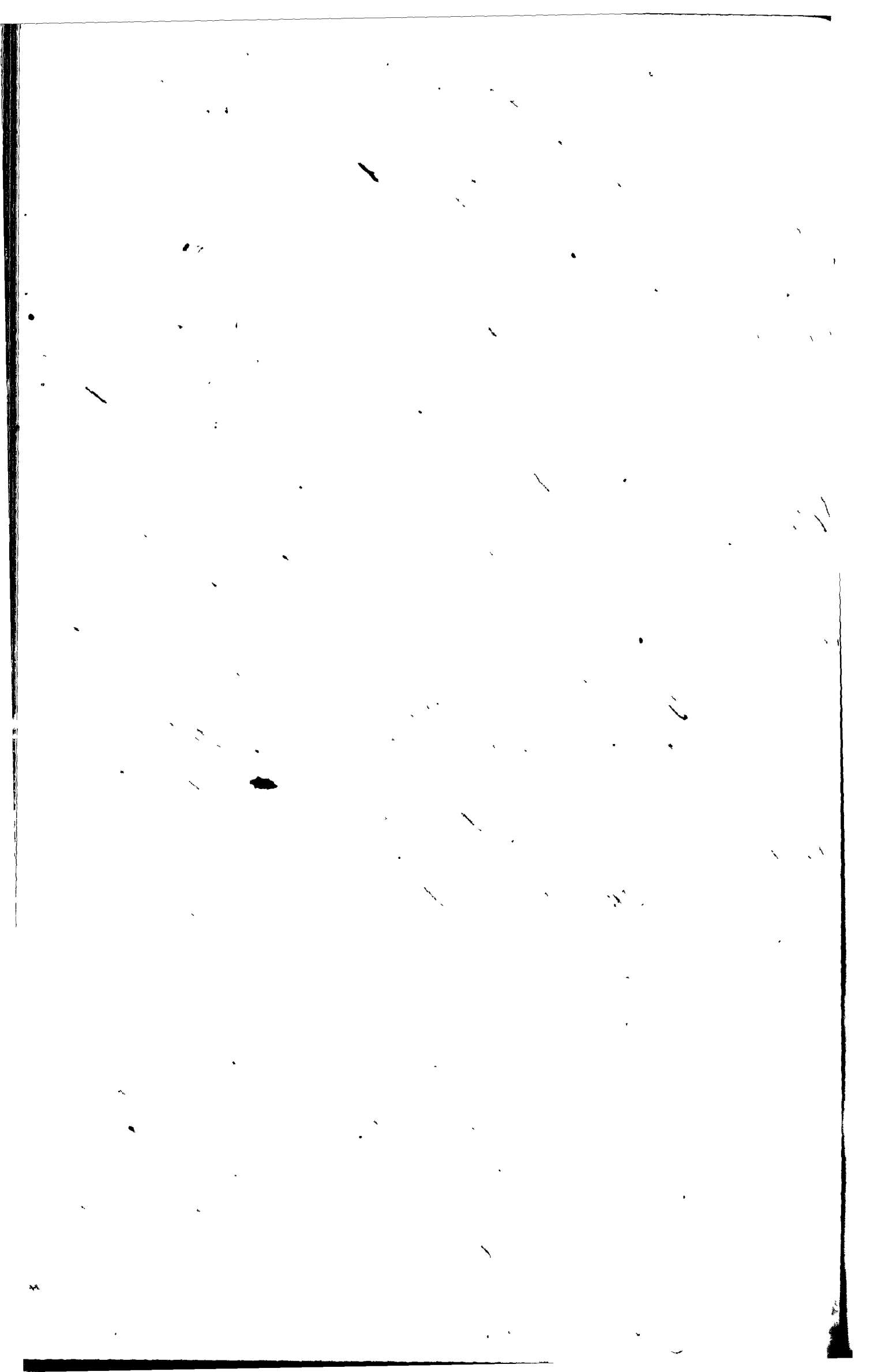
John Si was understood to express himself to the same effect, repeating his former observations.

Mr. Judd

Mr. Judd did not see that it was necessary to pass the rules, before ascertaining what the Kings lands were. He thought they would come in better afterwards. Mr. Lee's rules said nothing about dividing the Kings lands, with the Chiefs.

Mr. Wyllie

Mr. Wyllie said, Mr. Lee's first rule admitted the right of the King to retain his present lands - that that admission was important to the King - and that after passing the rules, and the Resolution which he had moved, the proposed Committee would have a regular foundation. He, himself, if appointed a Member of any Committee on such a subject would refuse to act, unless he knew by what rules he was to be guided. Without that, he might afterwards be accused of having acted arbitrarily & without rule, & he thought all the Kings foreign Ministers ought to guard themselves against such an accusation hereafter.



Mr Sudd

Mr Sudd read part of his Report to Mr Lee, saying that he thought after the lands should have been divided according to his Report, Mr Lee's Rules would just come in fitly.

Mr Lee

Mr Lee replied that he thought that would be just putting the Cart before the Horse - first of all to do the thing and then think of the rule and right of doing it. He cared not whether his Rules were adopted or not, but one thing he would maintain that some rules should be adopted.

Mr Wyllie

Mr Wyllie thought that the Council would not be in order, unless the rules were first passed. In such a matter it was of much consequence to be regular, and retain a record that every thing had been done deliberately, and in proper order.

Mr Sudd

Mr Sudd remarked if all the parties consented that no difficulty could in future arise.

The Chiefs having entered into an irregular discussion of irrelevant matters, all which concerned the Committee, and not the Rules proposed by Mr. Lee.

Mr Wyllie

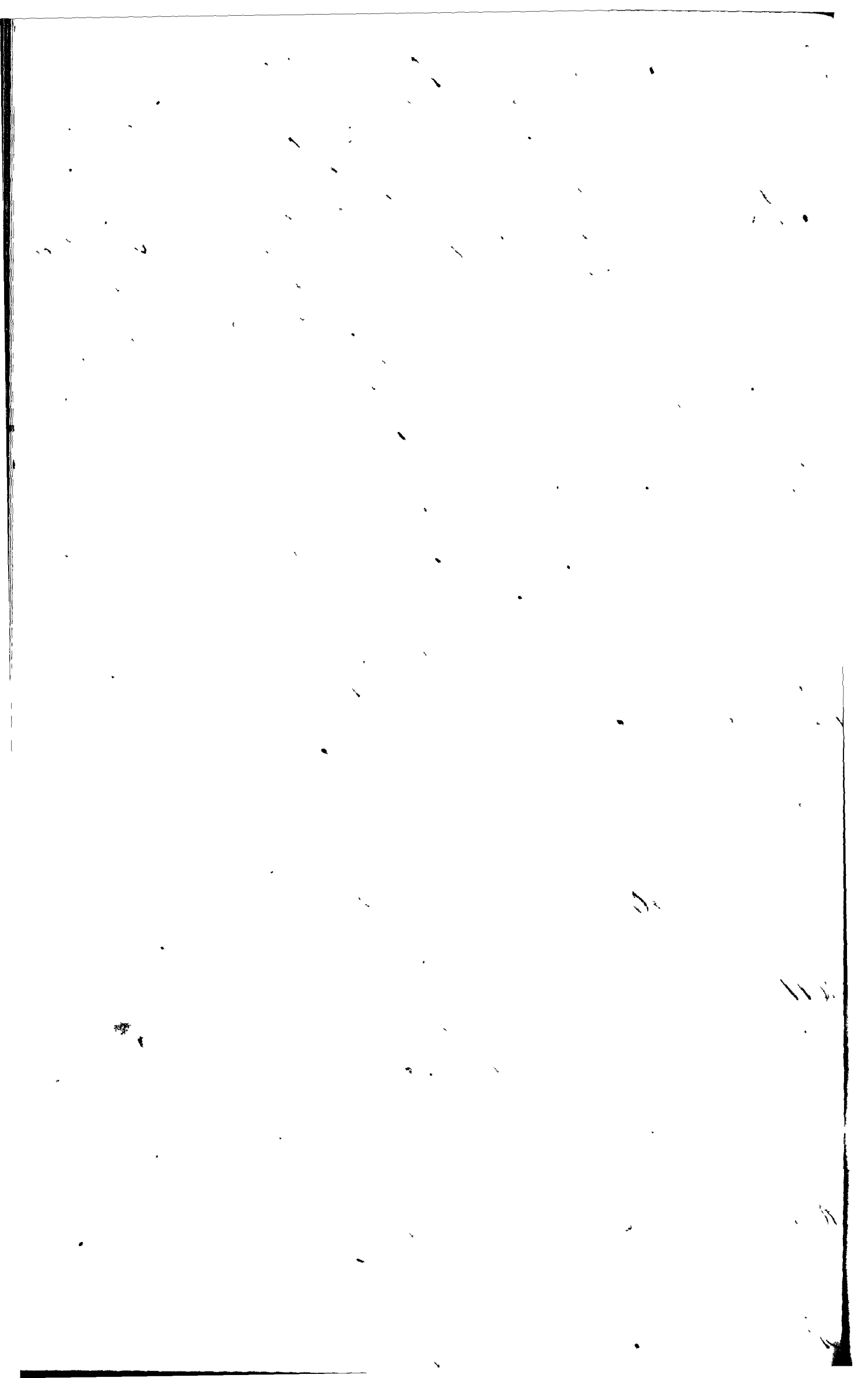
Mr Wyllie again reminded the King that he had moved the adoption of the rules proposed by Mr Lee. And he wished that if any of the Chiefs had any fears or objections, he wished to hear them that he might make explanations.

Kekuanaoa

Governor Kekuanaoa said he had his fears, or rather he wished to know first what the King's lands were.

Mr Wyllie

Mr Wyllie replied that is the very thing



that the Committee are to ascertain & assist the Governor, if he had any apprehension, under the proposed rules, of submitting to the proposed Committee, all doubt concerning his own lands, to be discussed with the King & settled by mutual consent - that Mr. Lee's rules did not present this - that the Governor and every other Chief or Landlord, before the proposed Committee could have an opportunity of stating his views freely and of settling his rights to land, by his own Consent.

Mr. Wyllie said he would frame a Resolution clearly providing for that, to be passed after Mr. Lee's Rules should have been voted.

Mr. Wyllie framed the following Resolution - "Resolved that a Committee be appointed to determine what are the lands that the King is to retain for himself, His Heirs and Successors for ever, agreeably to the first Rule framed by Mr. Lee, that all questions between the King and the Chiefs be discussed before that Committee, and settled by mutual Consent of the King and each Chief or Landlord, after which, the King and each Chief to sign & seal the settlement that may be made, never to be hereafter disturbed".

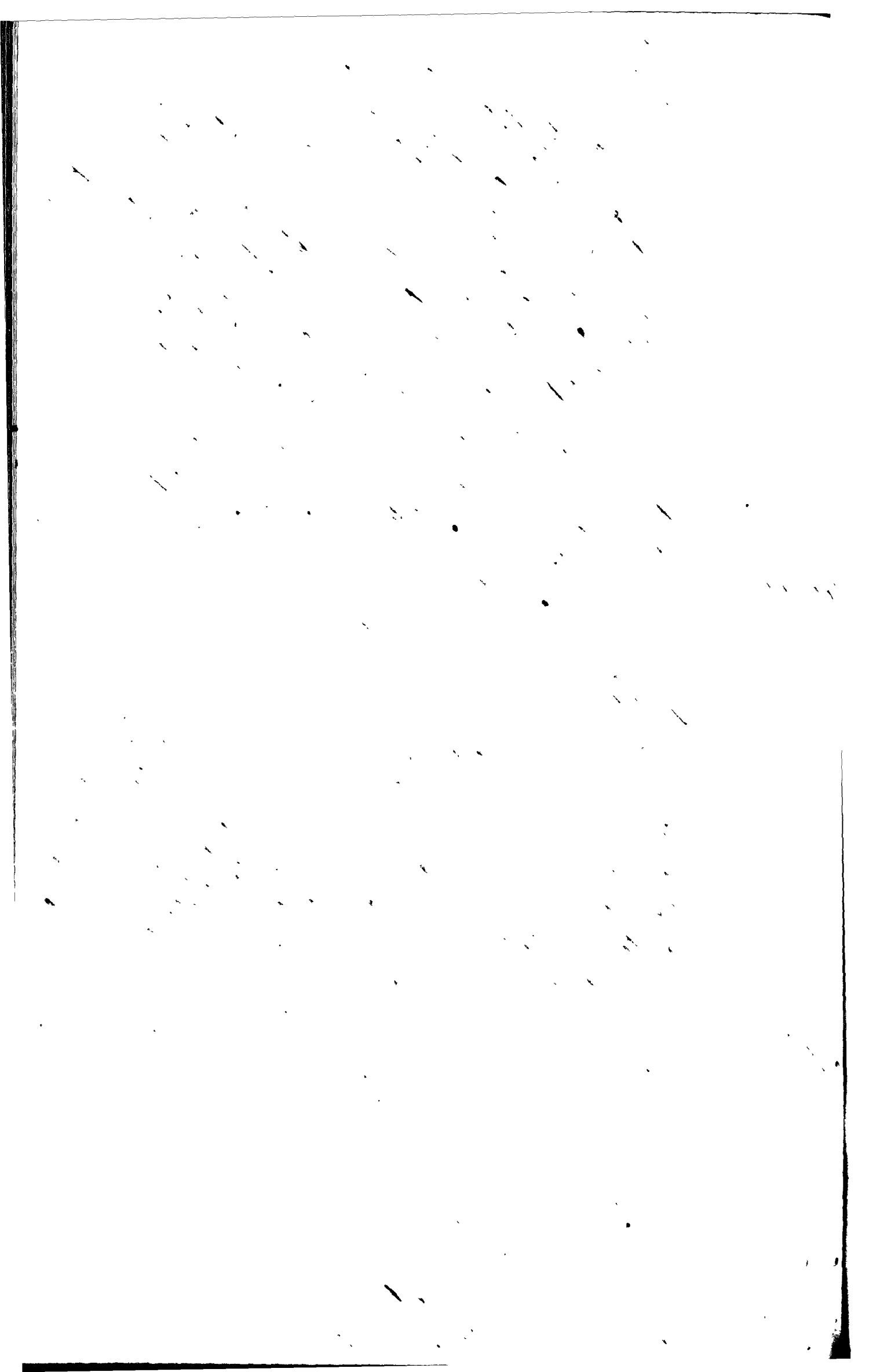
Mr. Sudd addressed the Council in Native, showing that though he considered it immaterial whether the rules were first passed or not, yet that he had no objection as Mr. Wyllie & Mr. Lee urged that course.

Mr. Wyllie said he was very far from thinking that it was immaterial whether or not to pass the rules. He thought it was so material

Mr. Wyllie
proposes a
Resolution

Mr. Sudd

Mr. Wyllie



that he doubted that the proceedings would be regular without passing these or some other rules.

Mr Lee with reference to the Kingdom of Prussia observed, that once the Kingdom of Prussia was in the same depressed condition with this. The Peasantry of that Kingdom holding their lands subject to the Nobles and having no independent rights in the soil they cultivated, industry was checked, agriculture sunk, and the whole Kingdom reduced to poverty and want. Such must be the inevitable consequence of such a system of landed tenures in every Country where it exists.

No Country can long thrive, where the people do not own the lands they cultivate, in their own right. The wise King of Prussia saw this, and in the year 1810 issued his Royal Edict granting to a certain class of the peasantry an independent right in their lands, upon yielding one third of their lands to their Lords the Nobles, and to another class the same rights upon yielding one half of their lands to the Nobles. This Edict met with much difficulty, strong opposition from the Nobles, but as soon as these wise principles were carried into effect, the most blessed influences were felt and acknowledged by all classes. Prussia rose from a state of beggary to affluence, her coffers were filled, her people happy & prosperity covered the land. The first adopted principles twice principles and then carries them into practice. The example was an illustrious one, and if followed in this Kingdom, he predicted that ten years from this time, would see the Hawaiian Nation a prosperous people. Let us then like Prussia, first settle upon some general principles, and then carry them out. He was not at all wedded to the principles he had proposed, but

Mr. Sudd
Rules voted in
mass.

John Si

some principles we must have, before the work can be done

Mr. Sudd again interpreted the Rules.

The Premier put them to the vote, and they were voted in the affirmative

John Si observed that the thought rules of so much importance should be voted separately. This was agreed to.

The first rule was interpreted and discussed. Voted.

The 2nd rule was interpreted, discussed and passed.

The 3rd rule was interpreted, discussed and passed.

The 4th rule was interpreted, discussed and passed.

The 5th rule was interpreted, discussed and passed.

The 6th rule was interpreted, discussed and passed.

The 7th rule was interpreted and discussed.

Mr. Lee's first rule
passed
2nd Rule passed
3rd Rule passed
4th Rule passed
5th Rule passed
6th Rule passed

The King

The King remarked before this Rule was passed, if his lands were merely entered in a Book, the Government lands also in a Book, and all private allodial titles in a Book, if a Foreign Power should take the Islands what lands would they respect. Would they take possession of his lands?

Mr. Wyllie

Mr. Wyllie replied that after the recognition of His Majesty's Independence by the United States, Great Britain and France, and the engagement of the two latter Powers never to take possession of any part of the Islands, he thought the danger adverted to by the King, was exceedingly remote. Those Great Powers held the World in check, and they were not likely to permit that any other Power should take a possession of the Islands which they bound themselves not to take. So long as the King, as hitherto, governed his Kingdom justly and with due regard to the rights of all Foreigners & to the laws of Nations, no Nation could have a plea to seize the Islands.

Mr. Lee

Mr. Lee gave it as his opinion, that except in the

The King

case of resistance to, or conquest by, any foreign power the Kings right to his private lands would be respected.

The King said unless it were so, he would prefer having no lands whatever, but he asked during the French Revolution were not the Kings lands confiscated?

Mr Wyllie

Mr Wyllie replied - They were confiscated, but that was by the Kings own rebellious subjects, it was to prevent such a risk here, that he requested that Mr Lee had not added to his Rules one to the effect that in the event of Treason to, or rebellion against, the King, all lands of the Kingdom, held by Chiefs, Landlords, or whomsoever should ipso facto revert to the King -

The King

The King observed that he would prefer that his private lands should be registered not in a ~~separate~~ separate Book, but in the same Book as all other Allodial Titles, and that the only separate Book, should be that of the Government Lands.

Mr Lee's 7th Rule amended
is passed -

Mr Lee's 7th Rule was amended to suit the views of the King and then passed -

Mr Wyllie's Resolution
to Committee
passed -

The Resolution for a Committee, moved by Mr Wyllie (see page 300) was then unanimously passed.

The following Gentlemen, after some discussion, were appointed members of that Committee to report to the King in Council, as soon as able -

Mr John Young. Pitkoi.

Mr G. P. Judd. Kekuanaoa.

Premier

The Premier moved that Mr Lee be added to the Committee -

Mr Judd

Mr Judd objected on the ground that Mr Lee not knowing the Native language, all his time in the Committee would go in interpreting to him - that his view was that no foreigner should have any thing to do with this matter - and that he himself

only acted as a Member of the Committee because it was necessary

Mr. Wyllie

Mr. Wyllie thought with the Premier that Mr. Lee, being a Lawyer & Member of the Land Commission, would be an important addition to the Committee. He thought that at least he should be an Honorary Member, so as that the Committee might call upon him, when necessary

Mr. Lee

Mr. Lee begged to assure the King, that without being a Member of the Committee, he would be always ready to give his advice for the benefit of that Committee or any other Department of His Majesty's Government.

Mr. Castle's
letter of 13th inst.
on behalf of
Mrs. Richards

Mr. Wyllie submitted and begged Mr. Sudd to interpret Mr. Castle's letter of the 13th instant, expressing his own & Mrs. Richards's satisfaction with the Provision that had been made to her other Children, on account of the services of her Husband, the late Mr. Richards.

Mr. Sudd

Mr. Sudd briefly stated the purport of the letter, which appeared to give satisfaction, as the conclusion of the matter.

The Council broke up at half past 3 P.M., adjourning "sine die"

The following are the Rules framed by Mr. Lee and unanimously voted at the Privy Council of the 18th December (Previously entered by mistake at folio 280 which see)

The following is a translation of Mr. Sudd's Report read to the Privy Council of the 18th December

Mr. Castle's letter above referred was as follows -
 Honolulu Dec: 13th 1847

To His Excellency R. C. Wyllie

May it please Your Excellency the copy of the report of the Committee on the affairs of Mrs Richards dated Dec: 11th and addressed to His Majesty the King which you did me the honor to send me was duly received on the day of date. I have also to acknowledge the receipt of Your Excellency's letter on behalf of His Majesty of the same date this morning.

I beg leave on behalf of Mrs Richards through Your Excellency to tender to His Majesty the King & the Members of His Government my sincere thanks for the prompt & efficient manner in which they have responded to the call made in behalf of that Lady, thus bearing a practical testimony to their high estimation of the value of the services of her deceased husband -

I have also to express Mrs Richards entire satisfaction with the Annuity granted and all the other arrangements of His Majesty's Government in her behalf, and I am happy to take this occasion to express to His Majesty the King and all the Members of His Government on Mrs Richards behalf her sincerest thanks for all the sympathy and kindness which they have extended to her in her season of affliction & trial and considering the state of His Majesty's Treasury the liberal provision which they have been pleased to make for her future wants -

I will also take this opportunity to

say that I submitted the question of what Annuity it would be proper for His Majesty's Government to grant to Mr. Richards, taking into account her circumstances and the ability of the Government, to Mess^{rs} Chamberlain, Armstrong & Hall each of whom independently of the others as the result of their reflections arrived at nearly the same amount which His Majesty's Government has been pleased to fix upon. It also accords with my own views of what was proper in all things considered. I may also say that Mrs Richards own reflections upon the subject produced a similar result and that considering the state of His Majesty's finances had the amount been greater, sympathizing as she does with the views of her late lamented husband, she would have felt it her duty to decline receiving it.

Your Excellency will be pleased to communicate the sentiments of this letter to His Majesty & the Members of His Government whom may God have in His Holy keeping and for whose temporal and eternal welfare our daily prayer is offered to the King of Kings

With sentiments of sincere respect I have the honor to remain

Your Excellency's

M^o: O^d Servant

(Signed) J N Castle

The following is the Report of Judge Lee
referred to at folio 91 -

Court House

Honolulu Oct: 14th 1847

To His Majesty Kamehameha III and
the Honorable Members of His Privy Council

Sirs

In answer to your resolution of
the 2nd inst. doing me the honor to request
my opinion upon the constitutionality of
granting the petition of Linton L. Tolbert
for a Charter to build a private road from
the Sea Beach at Konaaula to his Plan-
tation, I beg most respectfully to submit
the following.

I am of opinion that the
power of granting such a Charter rests
exclusively with the House of Nobles and
Representatives, in concert with the King,
who alone are invested with the Legislative
Power of this Kingdom. Hence for the
Privy Council to take any steps towards
granting such a Charter, would be to
oversstep the Constitution -

With the highest respect
I have the honor to be

Sirs

Your most obedient
humble servant

(signed)

W. L. Lee

The following is Copy of the application of Judge Lee, for an augmentation of his salary referred to at folio 109 of this Volume

Honolulu Oct^r 27th 1847

To His Majesty Kamehameha III and the Honorable Members of His Privy Council -

Sires,

Being desirous of sending important business letters to the United States by the ship "Prutis", which is to sail on Wednesday next, it becomes necessary for me to know what is to be my future position, and pay, while I remain in the service of the Hawaiian Government. I feel that my present salary is no equivalent for the value of my time and services, but I would not have you give these feelings one feather's weight in any action you may take upon the subject. I have not served this Government with mercenary motives, and God forbid, that I ever should.

Believing it to be my duty to serve this Nation for their good, rather than my own, I desire you to measure my future salary not by the value of my services, but as may best suit the best interests and limited Finances of this Kingdom.

I made my feelings on this subject known to Their Excellencies Mess^{rs} Seloo, Richards and Wyllie long previous to the departure of Mr Reed, and nothing but the most urgent necessity of making future

business arrangements, would induce me to bring them forward again at this time - I speak upon a matter so nearly relating to myself, with the greatest delicacy, and hoping that under the existing circumstances you will pardon my presumption

I have the honor to remain
Your most obedient

Humble Servant

(sgd) William L Lee

The following is the draft of sentence referred to at folio 244 of this Volume.

That His Majesty the King, with the aid of His Privy Council, having considered the charges against Leleiohoku, all which he has confessed, hereby sentence Leleiohoku to be suspended from all his honors and official trusts, under the Crown; but the King will restore him to his honors and official rank whenever his future good behaviour may render him worthy, in His Majesty's judgement of being so restored.

This sentence is not to affect his property.

1848

Privy Council at the Palace 5th January at 10 A.M.

Present The King
John II
Kapaekua
Mr. Sudd

Premier
Namakeha
Mr. Wyllie
Kao

Kanama

ship of
burg in
or by
Sunderhop

Mr. Wyllie laid before the King & Council Mr. Sunderhop's despatch No. 1 of 1st Jan'y, with the copies of Commission enclosed.

signature

Mr. Sudd interpreted the Contents to the King.

His Majesty was pleased to order Mr. Wyllie to extend an Exequatur to Mr. Sunderhop.

Mr. Sudd then interpreted Mr. Sunderhop's commission as special & Plenipotentiary for the formation of a Treaty, which was approved of as being a sufficient credential for that specific purpose.

Wyllie
turned to
treat with
Sunderhop

Mr. Wyllie suggested that the next thing was to appoint a Plenipotentiary on the part of the King & submitted drafts of the document to be signed in Hawaiian and English. After the blanks were filled up, the Commission was approved of & signed by the King & Premier.

The King signed a Patent in Fee Simple for 98⁹³/₁₀₀ Acres of Land, to the Pastor of the Protestant Church at Makanao, ditto for 22⁷/₁₀₀ acres to the Members of the Protestant Church at ditto, ditto for 87⁹/₁₀₀ acres to Rev. J. S. Green his Heirs & assigns, forever, for \$87 - ditto 133⁸⁴/₁₀₀ acres to Henrick Searen for \$267⁶⁸/₁₀₀ - ditto for 494¹⁴/₁₀₀ Acres to Preston Cummings (The land called Kona)

Island of Hawaii, for \$370 ⁶⁰/₁₀₀ —

Mr. Knapp was in a hurry to get married the King had already signed Letters Patent of denization for him; and stated that all the Partners of James Robinson & Co, desired to have similar letters of denization.

Mr. Myllic observed that for the sake of regularity, it should be recorded why the King in the case of Mr. Knapp, had not consulted with the Council, as required by law.

Mr. Myllic handed to Mr. Sudd a translation of Mr. Dudoit's letter of the 3rd inst^t complaining of certain disorders in the Fort.

Mr. Sudd interpreted their contents to the King.

Mr. Myllic strongly recommended these complaints to the attention of the Government. Mr. Dudoit had not only himself been scrupulous in respecting the laws, but had always inculcated the same duty on French Captains & Crews. He had thus created a great deal of respect for the French and preserved harmony with the natives. But of late he could not keep French Crews in order, because they could not be detained, & he justly complained that while he respected the laws, the National Authorities neglected to enforce them. Mr. Dudoit was not a man to complain without cause, and therefore, when he did make complaints they should be received respectfully and carefully investigated.

Mr. Sudd. Mr. Sudd addressed the Council in Native and was understood to blame the Governor.

Mr. Myllic. Mr. Myllic thought before blaming any one, the

proper way was to inquire into the facts, with presence of all parties, the Governor, Mr. Lea, and, if necessary, Mr. Dudoit.

Mr. Sudd thought that parties were committed without due notice to the Governor - that the custody of Prisoners belonged to the Police, and that Mr. Lea was an efficient officer in what related to the Fort.

Mr. Wyllie was of opinion that until the Governor had the men under him properly trained & instructed in their duties, it could not be expected that he, or any other Man, could give satisfaction in the government of the Fort. The fact was, with Police, ~~it~~ whose duty it was to guard the Prisoners, and Soldiers whose duty it was to guard the gates of the Fort, the Prisoners could get out, & did get out, just when they chose. All that indicated a lamentable want of discipline, and he regretted to have to advert to the letter of 3rd December from Mr. Jasper and Mr. Robertson, withdrawing the offer they had made Months ago, to train properly a force of 60 Men. He presented that l. Her most reluctant l., after having endeavoured to persuade the parties to withdraw it, or present it through some other channel, but they persisted in wishing him to present it, as their offer had been made through him. It appeared to him that they felt hurt, at the indifference with which their offer had been received, perhaps not knowing the mass of other urgent business pressing upon the Council.

Mr. Sudd thought that the two questions should not be mixed up together.

Mr. Wyllie replied that where charges were made against Officers in Command, it was

only natural and just to inquire into the efficiency of the means at their disposal to fulfil their duties, and to inquire into what instructions had been given them. His view was and always has been that the Fort was the worst managed Fort in the whole World - that no one knew who was responsible and who was not responsible, and that every thing relating to it, required a searching and thorough inquiry. He would therefore move the following Resolutions.

1.
Resolved that a Committee be appointed to inquire into the disorders in the Fort complained of by the Consul of France & to report to this Council with suggestions for the prevention of such disorders and the better future management of the Fort

2.
Resolved that the Premier, Mr. Budd and Mr. Lee are hereby appointed a Committee for the special purpose mentioned in the preceding Resolution.

After some discussion these Resolutions were passed and Mr. Mullie was instructed to notify, courteously, the Consul of France that the Committee might require his presence.

Peter H.
Hoadway

An application for land was received from Peter H. Hoadway dated 30th November 1846; and other important matters were referred, till next Council.

N. B. The following is a translation of the letter from the Consul of France referred to above,
Translation

TranslationHonolulu 3¹/₂ January 1848

Mr. Minister.

I have the honor of giving you notice that for some time grave disorders have taken place on board of French ~~Ships~~ Whale Ships, which cannot be repressed, because the Sailors cannot be punished.

The men confined in the Fort go out, daily, to walk about the Village and go on board of Ships, so that it is no longer a place of punishment for them.

A few days ago, one of the men confined went on board the Ship Asia, to preach up insubordination, assuring the Crew of impunity, because he said, they could leave the Fort, whenever they chose.

Be pleased therefore to see that orders be given to put an end to and prevent the renewal of these disorders, which I ask for under a sense of duty.

I, at the same time pray you, if I am so allowed, to pass to me, copies of the new Judiciary Act.

Be pleased to accept the assurance of the profound respect of

Your obedient Servant
sg.^d Jules Duroit

To His Excellency

The Minister of Foreign Affairs
de de de

Embassy of France
in the Islands

And the following is copy of the letter from
Messrs. Jasper & Robertson also referred to above

Jasper & Robertson's
letter to Mr. Wyllie

Honolulu 3 Dec^r 1847

Sir,

We had the honor, on the 9th of October last, to forward to your Excellency a proposal to train a Company of Infantry Soldiers, to be laid before His Majesty in Council.

We learned subsequently that said proposal had been duly presented by you, and laid over by the Privy Council for further consideration.

As nearly two months have elapsed since the date of that proposal, without its being acted upon, during which time we have been anxiously awaiting a reply, either in the negative or affirmative; - as there now appears to be no probability of its being taken up in the manner and in the spirit which we anticipated, and as we presented it with the sole view of providing a much needed improvement, in what we consider an important branch of His Majesty's service, we have now the honor to request that Your Excellency will allow us to withdraw our proposal, and that it may no longer be considered as binding upon us.

In doing so, we cannot refrain
from

His Excellency
R. C. Wyllie Esquire
Minister of Foreign Relations

from expressing our regret that our proposal should not have met the approval of His Majesty's Ministers, as we feel convinced that were our plan carried out, it would be a saving of money to the Government; at the same time providing a small but efficient body of troops, in lieu of the present ill organized Military who are totally useless for any kind of active service.

We have the honor to be, with the highest respect

Your Excellency's

Obedient Servants

sg.^o G. M. Robertson

John R. Jasper

1848

Privy Council Wednesday 12th January at 10 A M

Present The King

Kao

Paki

Namakeha

Mr Sudd

Premier

Keliahonui

John Se

Judge Lee

Mr Myllie

Keturanaon

Treaty with
Hamburg

Mr Myllie laid before the King the draft of the Treaty with Hamburg, negotiated and signed by him & Mr Suerkrop on the 8th inst. - also two copies of the same, in Native and English, and drafts of the ratification for His Majesty to sign, provided His Majesty approved of the stipulations of said Treaty. The Premier read the Native Version of the Treaty & the Ratification.

Afterwards the King read the draft,

Article by Article, he and the Chiefs making remarks thereon.

Practical difficulties
in the 4th & 6th Articles
of the Treaties with
Denmark & Hamburg

Mr. Sudd having observed that there were practical difficulties in the way of the Notices to F. Consuls required in the 4th & 6th Articles of the Treaties with Denmark and Hamburg, Mr. Wyllie, drafted the following Resolution.

Mr. Sudd translated it into Native and read it to the King and Chiefs.

The Resolution was then unanimously passed;—

Resolution —

Resolved that the Minister of Foreign Relations be instructed to bring to the notice of the Royal Consul of Denmark and the Consul & Special Plenipotentiary of Hamburg the extreme difficulty of carrying into effect the notices to the Consuls required in the 4th & 6th Articles of the Treaties with Denmark and Hamburg, except in Honolulu, and to come to an understanding in writing with him, for Denmark & Hamburg, that these notices are to be served only where a Consular Agent exists upon whom they can be served.

Treaty with
Hamburg
Nekuanaoa

The Ratification of the Treaty was then voted and signed by the King and Premier.

Nekuanaoa, after it was voted, expressed his opinion that the details with Mr. Suerskrop should be arranged before the Ratification. ∴

Mr. Wyllie replied that the matter had been talked over between him & Captain Bille, that doubtless he instructed Mr. Suerskrop upon the subject, & that the latter being a good man of business, he would at once see the reasonableness, and advantage

for himself to have the details more clearly defined -

Mr. Lee

Mr. Lee thought even though the Hamburg Treaty were not ratified, their Consul could claim the privilege under the Danish Treaty.

Premier

The Premier remarked that the Ratification had already been voted before Kekuanaoa stated his views -

Mr. Lee

On motion of Mr. Lee, the following Resolution was passed

. 1.2

Be it Resolved, His Majesty in Privy Council, that for the present the Superior Court of Law and equity for the Hawaiian Islands shall be held in the House lately used for a Court House for the Court of Oahu, near the Catholic Church in Honolulu.

Mr. Lee
applies for
H. Rhodes
as clerk of
the Court.

Mr. Lee laid before the P. Council a letter of the 26th November, addressed to the Premier, for authority to procure a Clerk of the Court, stating that he had employed Mr. H. Rhodes - That he should be paid for his past services at the rate of \$500 - and from the 17th inst. \$800 without fees.

Resolution

A Resolution in native to that effect entered on the native Minutes.

Mr. Richards' House

Mr. Iuda laid on the Table a plan for moving Mr. Richards House to the Lot near Marshall's. To finish Mr. Richards house the Carpenters Estimate is \$2,420 and only \$2,500 for erecting it on Mr. Marshall's lot. Besides there might be some \$600

for Masons work.

Mr Myllie

Mr. Myllie, inquired if it would not be better to turn the House to some ~~good~~ account useful to the Government, where it stands. The locality was an excellent one for Government Offices, and he thought the present Honolulu House would always fetch its full value, as a place of Business, from its situation.

Mr Sudd

Mr. Sudd replied he had not turned his mind to that matter, but it was desired to have a street pass right through the grounds where Mr Richards house stood.

Mr Myllie.

Mr. Myllie thought to have a street there, was a bad plan, because it would cut too much off the Kings lot, besides leave a narrow strip of land between the street and Mrs Dominis, not available for any useful or ornamental purpose.

Mr Lee

Mr. Lee remarked that the Government were in urgent want of a proper Court-House, and if a new house were to be erected upon the lot next to Marshall's, it might be better to have buildings there, for all the Courts, than to build a mere private house; and that the same rooms might do for the Legislature.

After some discussion it was agreed that Mr. Sudd's plan should be handed to Mr. Lee for consideration, and that the subject should be brought up again, at some future Council.

The Council adjourned.

The following is a copy of Mr. Lee's application for a Clerk.

Lee's letter
to the Premier

Honolulu Nov^r 26th 1847

Sir,

I beg to present, through you, an application to the Privy Council, for authority to procure for myself a Clerk. Thus far I have done all my own writing, besides that of Clerk of the Court, and I had hoped that I should be able to do it for the future. But I find it quite too heavy for me, I have written very late nights, and yet I find my writing much behind hand.

I propose, if agreeable to the Privy Council, to procure the services of Mr. Rhodes, at a salary of \$800 p^{annum}, who can do my writing, act as Clerk of the Superior Court, and if he should have any leisure, make himself useful in other ways.

With great respect, I have the honor to be

Sir,

Your mo: obedient
humble servant
W. L. Lee.

To

His Highness
Kamehameha
de de de

1848

Privy Council 27th January
 Present The King

Paki

Kanea

Keliiahonui

John J.

Mr. Iudd

Pikoi

Mr. Lee came in afterwards

Premier

Kaco

Kamakeha

Kapaakea

Kekuanana

Mr. Myllie

Kanaia

agreement with
 Mr. Suverkrup
 respecting the
 land under
 the 4th & 6th Articles
 of the Danish Treaty

Mr. Myllie submitted the draft of the
 agreement made with Mr. Suverkrup, in
 regard to the working of the notices required
 under the 4th & 6th Articles of the Treaties
 with Denmark and Hamburg.

Iudd starts
 objections

Mr. Iudd interpreted it to the King & Chiefs,
 starting many objections to small matters of
 detail and foreseeing many difficulties.

Myllie shows
 to far as
 goes the Treaty
 Articles, Mr.
 objections
 no foundation

Mr. Myllie replied to Mr. Iudd that as yet
 no complaints had been made under the 4th &
 6th Articles of the Danish Treaty - that the
 Rules as general principles were plain as
 all Treaties ought to be & that he foresaw no
 difficulty whatever in carrying them out,
 provided proper instructions were given ema-
 =nating from competent authority to the proper
 parties on whom it was incumbent to
 carry them out

Mr. Iudd

Mr. Iudd said what he complained of, was
 that they had not been carried out according to
 Treaty.

Mr. Myllie

Mr. Myllie replied, if so, that was not the
 fault of the Treaty, but of the King's Officers -



that there were no self-executing treaties - that all treaties avoided details as much as possible, but that both contracting parties, each, as became them, endeavoured to work out the details in good faith.

Sudd persists
in objections

Mr. Sudd still foreseeing difficulties, Mr. Wyllie proposed that the Rules should lie on the Table till next meeting of the P. Council when Judge Lee could attend.

Rukuanaoa
starts an
objection.

Rukuanaoa remarked that he thought he could not engage to give the notice always before 12 o'clock next day.

Mr. Wyllie replied with due deference to His Excellency, the objection did not appear to him to be a wise one; for under no case, were he (Mr. Wyllie) for instance, to be committed to day, could there be any difficulty whatever in giving the notice to-morrow before 12 o'clock - that, of course, upon such points it was the duty of the Foreign Members of the King's Council to enlighten the Natives - not to defer or yield to their ignorance or prejudices, but to take pains to enlighten them and guide them to a right understanding of things.

Mr. Wyllie's
let the charge
rest with
himself with
reference to
the rules.

These remarks exchanged between Mr. Wyllie & Mr. Sudd, not being interpreted, Mr. Wyllie rose and addressed the King, saying. In the rules which I have the honor to submit to Your Majesty in Council, there is nothing but what is highly honorable to Your Government & what is in accordance with the courtesies observed by the most powerful Nations of the Earth. Neither is there any difficulty in

carrying them into execution. I feel so convinced of this that if it be your Majesty's pleasure that the Resolution proposed at last Council, should now be passed, and the execution of those Rules be placed under my official responsibility I have no objection to undertake it.

Sudd consents to vote the Rules.

Mr Sudd said that under that understanding he would vote for the rules.

Judge Lee approves the Rules with slight alterations

Judge Lee having come in, the Rules were again read, she having suggested several slight alterations, were voted unanimously and the two following Resolutions were passed

No 1

Resolved that Mr. Wyllie is hereby invested with authority over all Officers of this Kingdom upon whom it is incumbent to give the Notices provided for in the above Rules, and to see that such Officers perform their duties, he to consider that performance under his immediate responsibility; and to report the same to the King in Council.

No 2

Resolved that these Rules are hereby extended to all other Foreign Consuls, in similar cases, and that the due serving of such Notices by the proper Officers, be also included in the authority given to Mr. Wyllie in the preceding Resolution to be exercised by him in the same manner.

Kings Refs

Mr. Sudd brought forward the subject of the appointment of Mr Charles E. Hitchcock.

Mr Wyllie, for the sake of order, moved that the previous appointment of Mr. Robertson be

first rescinded.

The following Resolution was passed

Resolved that the appointment of Mr. G. M. Robertson as Provisional Director of the Kings Press, on the 24th September 1847, be and is hereby rescinded, he having declined to accept the office, as incompatible with his present duties.

Mr. Judd then read the agreement that was prepared to be made with Mr. Hitchcock, and after several remarks it was approved.

It was then resolved to appoint Mr. Hitchcock to the office under that agreement. The following Resolution was passed.

Resolved that Mr. Charles C. Hitchcock be, and he is hereby appointed Director of the Kings Press, to perform the duties & receive the emoluments provided for in the Draft of an agreement between him and the Minister of Finance that has just been read and approved of.

The King signed Mr. Hitchcock's Commission.

Mr. Wyllie then called the attention of the King in Council to the case of Mr. Jarvis, and to the service that he might render the Government in crossing over Central America. He then moved the following Resolution, which was unanimously passed.

Resolved that Mr. Wyllie is hereby instructed in handing a Passport to Mr. Jarvis, as late Director of the Kings Press, to communicate to him, the sense of the Kings Government

Resolution in regard to
Jarvis & a Treaty
with Central America.

of the ^{value} ~~the~~ of his past services and their appreciation of his character - to commit to his care, what Despatches there may be to forward to the Kings Agents abroad and to furnish Mr Jarvis with such copies of subsisting Treaties & other documents for the Minister of Foreign Relations of the Republic of Central America as may induce that Republic to form a Treaty of Amity and Commerce with this Kingdom. The Premier presented his petition to the King of 24th Jan^y. 1848, praying for Letters of Denization.

Chapman
Jarvis's petition
Jarvis's Patent
Denization

Report of the
Committee on the
House of
Imprisonment.

Mr. Judd as a Member of the Committee on the Fort, as a Prison, presented that Report, in English & Hawaiian, and copy of the testimony taken on the subject. He read the Hawaiian Version to the King and Council & passed the English to Mr. Wyllie.

The Report appeared to be received without any objection.

Regarding Mr.
Richards House

Mr. Judd again brought up the subject of Mr. Richards's House, stating that all the suggestions that had been made amounted to nothing; and that after all what he and the Premier proposed to do, is the best.

Mr. Wyllie objects
the principle of
using the materials
any House, or
speculation.

Mr. Wyllie said, and if I understand right what you do propose to do is to pull down Mr. Richards house in one place, and employ the materials, after carrying them to another place, in building a house on speculation, not one that the Government had any

~~SECRET~~

use for. Now of all plans he thought for a Government the worst was for it to build Houses on Speculation, or in fact to speculate in any thing. He could not understand how or why if it were so very good a thing to carry away the materials of Mr Richards' House and build a house that was not wanted, but to let, it should not be a still better thing to make use of them in building a house or building that was really wanted.

Mr Lee

Mr Lee supported that view.

By Mr. Robertson's letter - offering to keep the Minutes of the Privy Council

Mr Sudd brought up Mr Robertson's letter, applying to keep the Minutes of the Privy Council in English and Native for a salary of \$300 per Annum, which was read.

Mr. Wyllie commends further deliberation upon appointment

Mr Wyllie observed the offer was highly creditable to Mr Robertson, but the Council would remember that Mr Sudd was appointed a Committee to confer with Mr. Cooke and Judge Andrews upon the subject of undertaking the duties of Translator for the Government, and had not yet reported. He thought it would be well not to be precipitate in making any such appointment. It was one which required great quickness & clearness of perception, and a most perfect knowledge of the Hawaiian, which Mr Robertson, at present, could not be expected to possess -

Further in regard to Mr. Richards's House -

The Council being about to break up Mr Wyllie reminded the Council that no motion had been taken in regard to Mr Richards' House. It was time that something should be done, and therefore, he suggested the following Resolution

Resolution.

Resolved that the Premier be and he is hereby empowered to erect a Court-House, suitable for all the Judges of Honolulu, and also for the Legislative Chambers, on the lot near Mr Marshalls, and to work up for that purpose the materials employed in, and collected for the completion of the House belonging to the house of the late Mr. Richards.

The Resolution was unanimously passed

Report of the Committee on the Fort as a place of confinement

Mr. Lee inquired if the Report of the Committee on the Fort has been brought up. It was replied that it has, but no action has been taken on it; except that it was considered as received and approved of.

Mr. Lee suggests a Committee of Three

Mr. Lee then moved a Resolution that a Committee of 3, namely Mr. Sudd, Mr. Wyllie & the Premier be appointed and empowered to see the recommendations in regard to the Fort carried into effect.

Mr. Sudd objects

Mr. Sudd objected to any Committee, as all the workmen were natives and the Governor would have to do part - besides the duty belonged to the Minister of the Interior.

Mr. Wyllie makes an amendment

Mr. Wyllie presumed that the duty of the Committee would be, not to interfere with Mr. Young, but see that the recommendations were really carried into effect, but he had no wish to be upon the Committee, if Mr. Young would do the business. He therefore moved as an Amendment that the matter be left in the hands of Mr. Young; he to report to the King in Council, as he thought should be done.

in that & all other cases that the King might know what his Officers were doing -

This was agreed to.

Concordance
of the Laws
in English
& Hawaiian

Mr. Lee handed in the following Notice of Motion, which was received -

Mr. Lee gives notice that at some future meeting of the Privy Council, he will offer a Resolution for the correction of certain errors and inconsistencies existing between the Hawaiian & English copies of the New Laws, agreeably with the provision of the Old Laws found at page 73 of the Hawaiian copy and page 91 of the English -

The Council thereafter adjourned.

Report of the
Committee on
the Fort

The following is copy of the Report and evidence of the Committee on the Fort referred to at folio 356.

To His Majesty Kamehameha III

The Undersigned, a Committee appointed by Your Majesty to inquire into certain disorders in the Fort, and to report to Your Majesty in Privy Council with suggestions for the prevention of such disorders, and the better future management of the Prison beg to submit the following; -

Your Committee upon inquiry of persons under oath, whose testimony is herewith annexed, and by a view of the prison, have ascertained that disorders do exist in the Fort, the most prominent of which, are frequent escapes, idleness and filth. There is no prison discipline

in the Fort - no responsible head to control and direct the safe keeping of the prisoners, and consequently little security or order - Six escapes have taken place within the last six months, most if not all of which are owing to the want of some active, vigilant and responsible Prison Keeper -

All of the prisoners with two exceptions only, have been and now are, entirely without work, which sloth is injurious to health, and productive of mischief in many ways. The Cells in which the prisoners are confined are not only insecure, but having no other floors than the ground, are injurious to the health of those confined.

Your Committee in consideration of the above facts beg to recommend the following measures -

1. That some active, energetic and vigilant man be appointed as Superintendent of the Prison Department of the Fort, whose duty it shall be to reside in the Fort, and see to the food, labor, cleanliness and safe keeping of the Prisoners - That all persons committed to the Prison be delivered to this Superintendent, whose duty it shall be to register their names in a Book to be entitled the Prison Register, stating by whom committed - for what cause, and how long to be imprisoned - That a thorough prison discipline be drawn up, and placed in the hands of the Superintendent, who shall be held responsible for the enforcement of such discipline -

2. That the old cells of the Prison, which are now wholly insecure, be torn down, and that new cells be erected, with substantial wooden floors, such as shall conduce to the greatest security and health of the prisoners.
3. That, that portion of the open area within the walls of the Fort, adjoining the cells, be fenced off by a high and substantial stone wall, and that no person be permitted to enter this space except he be accompanied by the Superintendent or have his written permission.

Believing that the adoption of the above measures will in a great degree tend to reform the evils complained of

We have the honor to be

Your Majesty's, most obedient
humble servants

signed Keoni Ana

" G. P. Iudd

" William L. Lee

Honolulu

Honolulu Hale

Jan 7th 1848

His Highness Keoni Ana, G. P. Iudd and William L. Lee a Committee appointed by His Majesty to inquire into the disorders in the Fort complained of by the Consul of France, and to report to His Majesty in Council with suggestions for the prevention of such disorders, and the better future management of the Fort, met this morning at 10 o'clock A.M. and proceeded to examine witnesses as to the evils existing in said Fort, agreeably with

the Resolution of the King in Privy Council passed on the 5th day of January 1848

Jules Dudoit, Consul of France, appeared before the Committee, and states that the only complaint that he has to make was, that the men confined in the Fort were not kept there, as set forth in his letter to Mr. Wyllie under date of January 3rd 1848. He further stated that the only instance of any person leaving the Fort wrongfully, that has come to his knowledge, is that of Soles, a sailor belonging to the French Whale Ship Ferdinand who left the Fort about 10 days since - I have heard many other things but I know of nothing else.

The Committee then requested Mr. Sea the Marshall, to send for Soles and him brought before the Committee for examination - Jules Dudoit was sworn by the Committee as interpreter between the Witness Soles and the Committee -

Soles a French sailor belonging to the French Whale Ship Ferdinand being duly sworn says, - I belonged to the Ship Ferdinand, and I was put in the Fort on the 29th day of November last for claiming something due to me from the Captain - I left the Fort at one o'clock in the Morning, just before the Ferdinand sailed - I escaped when they let me out for a job of necessity, by jumping over the wall close by the Flag Staff - No person assisted me or knew of my escape - I don't know that any one saw me - They sang out on the Fort but they were too late to arrest me -



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I returned to the Fort of my own accord the next evening at 9 o'clock - I went and hid myself in my vessel for the purpose of seeing my comrades, and to get something to eat - when I returned they locked me up again -

I never went aboard the Asia, as stated by Mr Dudoit, with two natives - I told Mr Wirt that I met him in the Street when I was returning from the Ferdinand the next evening after my escape - I know of nothing wrong going on in the Fort - I never had any woman offered to me in the Fort - My food in the Fort is sweet potatoes - They give me only three sweet potatoes each day, and this is only one half of what I wish - I could eat six potatoes each day if they were given me -

Mr Dudoit says this man's evidence in reference to his food, cannot be relied on, because when he was on board the Ferdinand, he said he had not sufficient food, and went begging for food from vessel to vessel, when in fact he had good bread and beef on board the Ferdinand at his pleasure - (I make no complaint of the food furnished to the prisoners.)

Henry Sea Marshall of the Hawaiian Islands, being duly sworn says, -

I have been connected with the Fort more or less ever since I have been on the Islands. I have been Sheriff and Marshal of the Islands nearly two years - There have been a great

3rd 2

many escapes from the Fort during this time and I have made complaints of the same from time to time to Governor Ketuanasa who has charge of the Fort - There have been six escapes within the last six months - These escapes have been owing, in my opinion, to the negligence of the Keepers and officers on guard - I believe that many of these prisoners have escaped in this way, viz; The prisoners are sometimes given the liberty of the yard, and the sentinels at the gate not knowing the prisoners from visitors in the Fort, they have walked boldly up to the sentinels and they not knowing them as prisoners, have let them pass out - The Governor endeavored to find out who the negligent sentinels were, and in one instance he ascertained one and had him flogged severely - I have heard it stated several times that the sentinels have been bribed (bribed) to let prisoners escape, but although I have made every inquiry and every exertion to ascertain the truth of such stories, I have never been able to gather any evidence to this effect - The great difficulty, I think, is the want of some suitable person to keep the prisoners, for as far as I can ascertain, the Governor has no such person, at least if he has, he does not do his duty - In more than one instance, we have found that Sailors have gone from the Fort, and upon inquiry found that they have been released upon the mere request of their Captains, without giving me or Mr Potter



any notice to this effect - Two men escaped a short time since by calling upon the Keepers with great noise and requesting that they be let out to obey the calls of nature, and then as soon as the door was unbolted they made a rush and escaped over the wall towards Mr. Robinson's house - Two more escaped a short time since in such a way as to show very great negligence on the part of the Sailer - He must have omitted to lock the outer door - I have been in the Fort at all times of the night and have generally found the Sentinels asleep or off duty - If they had been vigilant these escapes could not well have taken place - I employed two men to watch a Prisoner by the name of Hyman Lockman and others, some three months since, and while they were thus employed there were no escapes. With regard to the food of the prisoners, I have reason to believe that before the time I took that department into my special charge, (some six months since) the food which was furnished for the prisoners in great abundance, was in a great measure consumed by natives engaged in the Fort as servants &c, who had no right to any part of the food - Since I have had charge of the prisoners food, I have frequently asked the prisoners if they had enough food, and they have invariably answered yes - But they have said they would rather do with half the potatoes and have meat - Their food is sweet potatoes - They are

the best that can be had at the Market - Sometimes the sailors waste their food as they have this very morning - (Mr. Sea here presented to the Committee one half of a fine sweet potatoe which one of the prisoners had thrown away this morning, saying he had too much potatoe)

I have heard it stated frequently that women were taken into the fort, at different times, in the night, for the use of prisoners, but I have never been able to gather any evidence to that effect - I consider the prisoners safe in the Fort if they only have good sentinels on guard through the night - There should be sentinels walking on the ramparts - I think the appointment of some good man to have charge of the Fort and to be made responsible for the safe keeping of the prisoners and the cleanliness of the cells, would remedy most if not all of these evils - The cells are wanting in cleanliness and comfortable sleeping quarters -

Gules Dudoit sworn as interpreter.

Maria Clemin a French sailor sworn, says, I was a sailor on board the French whale ship the "Asia" - I was confined in the Fort for desertion about 13 days ago - I never saw any one escape from the Fort, but I heard the door was opened to some American sailors to escape - I never heard of any woman's being offered to any prisoner in

the Fort - Soles has never been out of the Fort since I have been confined there.

(This witness was questioned by Mr. Dudoit)
I don't know who threw away the food this morning - The potato now before the Committee is the same as we have - Our food is sometimes given us in plenty and sometimes not so much - They generally give us one large potatoe each meal, but I should like more.

Mr. Dudoit stated that he had nothing further to produce before the Committee - The Committee then stated to Mr. Dudoit that if any thing further should come to his knowledge they would feel obliged to him if he would furnish it to the Committee.

Mr. Dudoit says in answer to a question by Mr. Sudd, when I commit prisoners I commit them to Mr. Potter.

Mr. Sea recalled

Mr. Sudd stated that when this subject was brought up in the Privy Council, the Governor denied that any responsibility rested upon him in this matter, as Mr. Sea has charge of the prison and prisoners, and desired that Mr. Sea would explain how this was -

Mr. Sea stated in answer to Mr. Sudd's request for an explanation, that this was the first time he had heard that he had charge of the prison -



It was true the prisoners were under his general charge, but their direct keeping, especially in the night, now is, and always has been, in the hands of men appointed by the Governor - Over the sentinels and direct keepers I have no control, and they never have acknowledged my authority -

William Smith is a man employed by me, but he has only to furnish food for the prisoners and report to me - In the department of food there is no complaint - I do not know who had this duty before Smith's appointment - Kaipuaa was never discharged by me - I consider that he has the whole charge of the prisoners, except so far as concerns their food - This is my understanding of the matter - Smith as my deputy exercises no control over the sentinels.

Mr. Sudd stated that he drew up a letter for Mr. Sea to obtain Governor Kekuanaoa's signature, which letter was to give the Prison into Mr. Sea's charge - Mr. Sea said he did not recollect such a letter - He remembered having a letter for Governor Kekuanaoa to sign, but he thought it related to food only.

Mr. Sudd said he would not be positive as to the contents of that letter but he knew that when William Smith was appointed, Kaipuaa was released from all responsibility concerning the prisoners -

Mr. Sea said he did not know that he informed the Governor that William Smith's department was that of food only, but he told William to inform the

Governor of his duties - I have told William to take charge of Morgan, and to see that the jailors are all put in their cells at nights, and the doors fastened. I have told William to do this, not because I considered it a special part of my duty, but because I dare not trust the other men in the Fort - and particularly because I had an order from the Court to keep Morgan in safe custody -

Mr. Sudd stated that Kaipuaa had charge of the keys before the appointment of William Smith, and that since then they were in the hands of common Constables - and wished to know if Mr. Lea could explain this -

Mr. Lea answered that he could not - That the keys were never delivered to him, and he never knew that any one had the keys but Kaipuaa - How they came in the hands of common Constables I do not know - They never received them from my hands -

The Committee then adjourned to meet again on Saturday next January 15th at 9 o'clock A. M.

Saturday Morning 9 A. M.
January 15th 1847 - (28)

The Committee appointed to inquire into the state of the Fort &c, met this morning pursuant to adjournment and proceeded with the testimony.

M. Kekuanaoa

M. Kekuanana, Governor of Oahu, sworn says, on the 17th day of May 1847, I addressed a letter to Mr. Sea to come down and take charge of the Foreign prisoners in the Fort - (Mr. Sea being present stated, that he did not recollect ever having received such a letter) On that same day Mr. Sea and William Smith came to the Fort, and I said to Mr. Sea, through William, I desire to place in your charge the foreign prisoners to take care of and feed - William and Mr. Sea said Yes, I will take them in charge - And William and Mr. Sea commenced at once, and I relinquished all charge of the Foreign Prisoners at that time and said to William it is proper now that you take the Keys - William reported what I said about the Keys to Mr. Sea, and then returned saying that Mr. Sea said no, I don't want the Keys - I answered it is best that he should have them - As Mr. Sea did not give his consent, I told Kaipuaa to take the Keys and deliver them to William as Mr. Sea's agent or deputy; because you have the charge of the Keys, and there has always been a great deal of wrong resulting it -

Mr. Sea did not consent to take the Keys, but I was determined that I would not keep them - William told me if I would write a letter to him (Mr. Sea) formally delivering the Keys that he would take them. But I told William that there was no use of writing, because Mr. Sea already had charge and I would deliver the Keys to him, William, which I did.



Since that time I have not considered myself responsible and taken no interest in the matter, considering that the Foreign Prisoners were in Mr. Lea's charge - I have placed Kaipuaa who has charge of the Soldiers under Mr. Lea's charge

Dr. Budd stated, that he had sometimes taken the responsibility, without any authority, to order some things to be done in the Fort - such as airing Morgan's Cell &c -

I know of no such thing as illicit intercourse between the two sexes in the Fort - The native Mate Male prisoners, when they are sent to the Fort, are immediately sent to work on the Roads, and the native female prisoners to Ewa - Women however are allowed I suppose to go into the Fort the same as men to see persons, but there are always Constables to watch them to see that they do no wrong.

William Smith sworn says - I was down to the Court on the 17th of May last, Mr. Lea gave me charge of the food of the prisoners in the Fort - And I immediately commenced purchasing and furnishing food for them - Four days afterwards I received the Keys from Kaipuaa, but I had the keys only so far as to see to furnishing the food to the Prisoners. The Governor gave orders for me to have the Keys, and told me to take the entire charge of the prisoners adding "and then I will be free from responsibility" - I told Mr. Lea

what the Governor had said, and he told me to return the Keys to the Governor - I then took the Keys to the Governor, but he said no, and I then returned to Mr. Lea and reported that the Governor would not have the Keys - Mr. Lea said if the Governor will write me a formal letter requesting to take charge of the Keys, I will take them - I told the Governor and he said he would write - I had charge of the Keys ever since, supposing that the Governor had written, but I find he has not -

One of the late escapes was effected in this way - The prisoner dug around the door frame, and then reaching his hands through he picked the lock - I think these frequent escapes, which, have been seen within the last months, are owing to the negligence of the sentinels posted on duty in the Fort - I don't stop in the Fort myself nights, and I suppose the sentinels drop asleep -

The food of the prisoners is sweet potatoes - at first I gave them as many as they desired, but they grumbled saying they wanted beef and threw away their food - therefore I have put them on rations, giving them from three to four large potatoes each day, and sometimes more - Captains of Ships find great fault that their prisoners are fed too well - No one suffers for food - Some of the prisoners pretend that eating potatoes only, makes them sick, but they are fat and hearty. I know of no such thing as illicit intercourse between Male prisoners and Women in the Fort - If there

was any such thing I should be sure to know it.

Kaipuaa, Captain of the Fort sworn, says most of the escapes that have taken place, have been while prisoners were going to the back house. There would be a number going to the back house at once in dark nights, and some of them have broken away & escaped. This system of letting the prisoners go to the back house at night, ought to be remedied.

There is no such thing as illicit intercourse going on in the Fort - If there was, I should certainly know it -

The Committee then adjourned to inspect the Fort, and afterwards to report.

The following is a copy of Mr Robertson's letter referred to at folio 358

Mr Robertson's
letter

Honolulu 20th Jan'y 1848

Sir, I have the honor, through you, to tender my services to His Majesty and the Honorable Members of His Privy Council to act in the capacity of Secretary to that Body.

I will engage to keep correct minutes of all the business transacted in Council, in both the Hawaiian & English languages,

His Majesty's }
G. O. Judd Esquire }
Minister of Finance }

if required, for a compensation of \$300, per annum

I am, Sir,
Your obt^d Servant
sg.^d G. M. Robertson

1848

Privy Council 28th February at Mr. Young's
House, 10 A. M.

Present The King

Premier

Paki

Tekuanaoa

John Li

Keliishonui

Kapaakea

Kaeo

Kanoo

Kanaina

Mr Myllie

Mr Sudd

Mr. Young

Queen

The notice to Judge Lee having been omitted,
Mr. Myllie wrote a note to him requesting his
attendance.

Mr. Sudd interpreted the following
statement made by Mr. Myllie

I have the honor to lay before Your Majesty
the following documents, viz;

1st Mr. Dillon's despatch of the 18th inst. claiming
that all the Wines the produce of France, be
admitted for consumption into the Ports of
your Kingdom at a duty of 5 Per Cent ad valorem.
He makes this claim because it was conceded
to England that all her Malt liquors & Cider,
should be admitted at that duty. He urges
that the Malt liquors of England are equally
intoxicating with the Wines of France.

2nd My reply to Mr. Dillon of the 19th. I admit M.

M. Dillon's
demand this
correspondence

Dillon's right to claim for France whatever is granted to England. But I show him that Wines were named in the 6th Article of the Treaty, while Malt liquors were not. I show him that to admit all Wines, because Malt liquors were admitted was bad, because it would double the evil. I tell him it would be better for France to try to persuade England to allow a higher duty to be placed on Malt liquors, or to abolish the 6th Article entirely - that both France and England should respect your Majesty's policy to prevent intemperance, which was hurtful to the Natives hurtful to the Crews of French & English Ships, and that Your Majesty's Government, when they referred the question about the duty on Malt liquors to the British Government, fully expected that they would communicate with the French Government, before deciding.

3rd M. Dillon's despatch of the 22nd. He persists in his demand for the admission of all French Wines, at the same duty as English Malt Liquors, but promises to make known to the French Government ^{the wish of your Majesty's Government} that the high duty on English Ales & should be again put on. He writes as if I had admitted that it was the same thing to take the high duties off French Wines as it was to take them off English Malt Liquors.

4th My reply to M. Dillon of the 23rd. I ask him to tell me if Your Government did right under the 6th Article in putting the high duties on English Malt liquors - if the

English Government were wrong in deciding
 that the 5th Article did not permit such
 duties to be imposed upon Malt liquors,
 and it was right for M. Dillon to demand
 the admission of French Wines at 5 Per
 Cent, when Wines were named along with
 Brandies in the 6th Article, as liable to
 any duty Your Majesty might see fit to
 impose upon them. Tell him if he says
 yes to all that, then that the high duty
 will be taken off French Wines, but at
 the same time Your Majesty will take
 measures to put an end to the French and
 British Treaties altogether, and to persuade
 both Governments to make new and better
 Treaties, like the one Your Majesty orders
 me, to offer in 1846, to Great Britain and
 France. Tell him that Your Majesty
 did not wish to sign the Treaties of the
 26th March — that you signed them,
 merely out of respect to France and England
 and in the hopes of soon getting better
 Treaties. I show him that if Wines are
 exempted from the high duty, then the
 word Wines should be taken out of the
 6th Article, and then the French Treaty
 would not be the same as the English
 there would be fresh difficulty. And
 I altogether denied that I have ever
 admitted that in asking for admission at
 the low duty to all French Wines, M.
 Dillon asked no more than what had
 been granted to the Malt liquors of
 England — and I reminded him that

Malt or fermented liquors were not mentioned in the 6th Article, while Wines were, which made a great difference in the two cases — and that, therefore, Your Majesty's Government would prefer that the question of his demand should be referred to the French Government.

5th Mr. Dillon's Despatch of the 25th assiding any reply to the questions I had asked him, but, for the third time, repeating his demand, and stating that unless the Wines of France are admitted at the same duties as the Malt Liquors of England, he will send back the French Kings ratification of the Treaty, and will demand that all the duties on French Wines, above 5 per Cent ad valorem, since the 3rd of April 1846, be paid back. But Mr. Dillon concludes giving hopes of a new and a better Treaty.

After a few remarks upon the abstract and the correspondence, Mr. Wyllie handed a Draft of his Despatch, to be numbered 9, to be considered & amended as the King might sanction.

A note was received from Mr. Lee, stating that being in the midst of Land claims, he could not possibly attend.

Mr. Sudd slowly interpreted the draft which was afterwards discussed and amended.

Then the following Resolutions were passed —

Resolved

- 1st Resolved that in the opinion of the King & Council, Her Majesty cannot consistently sanction in accordance with the joint Resolution of the 3rd April 1846, that the principle of parity as claimed, by M Dullon extend beyond those Wines of French growth, not exceeding 18 per cent of Alcohol, which in itself is more than double the average per cent of Alcohol in all the Fermented Liquors of Great Britain, if unadulterated.
- 2nd Resolved that the Minister of Finance is hereby authorized to issue and publish an order to the Collector General of Customs to the effect of M Dullon's demand, subject to the above, and to the presentation at the Customhouse of the necessary certificates of origin, strength & price, to prevent frauds.
- 3rd Resolved that the Minister of Foreign Relations is hereby ordered, on behalf of the King, taking care not to give offence to Great Britain and France, to draw up a document in the form of a Protest, to both Governments, against the subsistence of Treaties, which bear hard upon the King's Prerogative, and after the concessions to Great Britain and to France, no longer fully answer the benevolent purposes which both Governments had originally in view in framing them, and entreating that they be pleased again to concert for the relief of His Majesty's Prerogative, and of his Subjects from the

evils of intemperance.

Mr Judd submitted the draft of the order provided for in the 2^d Resolution.

Mr Wyllie submitted the draft of the Protest ordered in the 3^d Resolution which was discussed and approved.

Mr Wyllie stated his hope that some Resolution would be taken in regard to the private & confidential documents of Mr Ten Eyck in regard to a treaty with the U. States.

After a few remarks upon these documents by Mr Judd, the following Resolution was passed -

Resolved that Mr Wyllie is instructed to make known to the United States Commissioner, with reference to his private & confidential documents in regard to a new treaty that understanding that the former draft and correspondence have been referred to the President of the United States, the King and Council would prefer a short delay in the hope of knowing the pleasure of His Excellency

The King by a special exercise of His Prerogative ordered Mr Judd to return to Capt. Watter, the proportion of his License corresponding to the time that he had not enjoyed the benefit of it.

All the Members of the P. Council, with uplifted hands, approved of this act of generosity of the King -

Privy Council, Palace, 30th March 1848
Present The King
Premier
John Li
Kanaiana
Kakanea
Mr Iuda
Paki
Kekuanaoa
Kao
Namakoa
Mr Myllie

Report of the
Committee on
Division
of Lands

Mr. Iuda on behalf of the Committee, appointed on the 18th December 1847, presented a book of 225 pages consisting of the lands assigned to the King on the left and those to the Chiefs on the right - also a division of the Kings lands from those belonging to the Government, signed & sealed by the Parties.

Mr. Iuda briefly explained in Native, then in English, the division that had been made, and that all parties had fully consented to it.

Mr Myllie
proposes a
written Report

Mr Myllie suggested that a written Report should be prepared, giving a condensed or tabular statement of what had been done, for record in the Minutes

Mr. Iuda supplied some words that were left out, which interlineations were authenticated.

Report accepted

The Report was Accepted.

Report to be
submitted to
Judge Lee and
approved by the
Legislature

Mr. Myllie inquired whether it was not intended to submit it to the Legislature. It was resolved accordingly, that Mr. Lee should prepare the drafts -

It was resolved that the Legislature

Opening of the
Legislature on
the 27th April.

shall meet on Thursday the 27th April the opened
by the King in person, and that the same be
notified, in the Polynesian, on Saturday - and
also in the lelele.

William Marshberg
Leader of the
Kings Band

William Marshberg. A Resolution was
passed appointing him as the Leader of the
Kings Band, at a salary of \$30 per month,
and appropriating \$500 for Instruments & Books.
The order to be given to Mr Williams -

Kings Speech

Mr Wyllie to draft the Kings Speech,
as on former occasions -

James Robinson & Co
Application for
land to cultivate
Cotton -

James Robinson & Co application for
Land of 22nd October 1847, again brought up
with a note from Mr G. M. Robertson of 27th
October, stating that the name of the land
was Wahiawa, and not Waiawa as former-
ly stated, and that they wish to cultivate
Cotton. They offer \$150 a year for it.

It was resolved that it being
desirable to encourage the cultivation of
cotton, it be left to Mr Young to examine
the land & then to grant a lease on liberal
terms to James Robinson & Co, provided
they will engage to cultivate a given
quantity of land for Cotton.

Dr Rooke's lot.
Fee simple title
granted.

Mr Sudd brought up an application
on behalf of Dr Rooke, for a Fee Simple
Title to the lot on which his house stands,
and which he holds on lease, paying a rent
of \$25. The King said, he presented to Dr Rooke,
all his interest. It was agreed to let him
have the land, in fee simple, on paying for
the same \$250.

An

Louis Gravier's
Water Lot.

1108

An application on his behalf was presented for a new side lot on the West side of the Port, he offering \$100 for the same. It was agreed to let him have it, for \$200.

Several other applications were postponed till after the Legislature should sanction the division of Lands.

Palace May 25th 1848

Meeting of the Privy Council

Present

His Majesty,
Minister of Finance,
J. Kaeo,

P. Kanoo,
A. Keliiahonui,
B. Namakeha,

The Premier,
Gov^r Kapeau,
J. Y. Kanehoa,
Gov^r Kekuanaoa,
C. Kanaina,
A. Paki,

Ioane Ii.

The Minister of Finance stated that the Minister of Foreign Relations wished to know His Majesty's pleasure, in reference to the desire expressed by the Commissioner of the United States, to form a Treaty with this Government, like those made with Great Britain and France, or if not like them, in accordance with the project submitted to Mr Wyllie by the Commissioner respecting lands, leaving out Sections 3 & 6.

John Ii thought it would not be right for the Government to consent to insert the proposed sections respecting lands in the Treaty - That the making of the Treaty ought to be deferred until we hear the

decision of the President of the United States.

So thought Paki, Ketuanaoa and Keoni Ana.

Mr. Sudd presented the proposition that Mr. Wyllie should inform Mr. Ten Eyck, that, if the 3rd & 6th Sections were left out a treaty would be made, like those with G^t Britain & France, or if not, then it should be deferred.

Mr. Sudd thought it had better be deferred, and that Mr. Wyllie should inform Mr. Ten Eyck privately, of his views in regard to the 3rd & 6th Sections. This was concurred in.

Resolved, Whereas the proposed Treaty has been forwarded to His Excy the President of the United States, for his consideration, therefore it is proper for us to wait until the opinion of His Excellency arrives.

Resolved, that His Majesty sign the Commission of Wm. Merseburgh, as Captain of his Band of Musicians.

Resolved, that a fee simple Patent be granted to James Austin, for his building Lot, on payment of \$150 Commutation.

Resolved, that a Patent be granted to John Needles, for his house Lot, on payment of \$337.50 Commutation.

Considerable discussion took place on the proposition of Mr. Sudd and the



the Premier, to purchase the right & title of
 J. I. Caranaw to half of a wharf, and a
 road leading through the premises of Ladd & Co.
 Caranaw offers to take \$4000, & Mr. Ladd
 asked for the opinion of the Council. All
 agreed in the propriety of making the
 purchase, but thought the price ought
 not to be so much. That the Premier &
 Mr. Ladd make the bargain on the best
 terms possible.

1848

Privy Council at the Palace 7th June
 at 4 P. M.

Present

The King

Premier
 John Li

Kanaina

Kapaakea

Kaeo

James Young

Kapeau

Namakeha

Myllie

Ludd - came at 1/2 past 4

Paki

Kanaa

Administration
 Paths to the
 Rev. Armstrong

The Rev. Mr. Armstrong, having by letter
 to Judge Lee, dated May 1848, accepted
 the office of the Minister of Public Instruction,
 tendered him by Resolution of the 2nd of
 December 1847 - took the oath of Allegiance
 (C. 79 New Laws).

Mr. Lee drafted the oath of office,
 which he also took (Page 16 New Laws) it
 was signed & then resolved that he be
 appointed to the Office of the King's Minister
 of Public Instruction & receive his
 Commission accordingly.

The

The King & Premier signed his Commission, dated 7th inst. which was delivered to Mr. Armstrong.

House
for
Mr. Armstrong

Agreed that Mr. Armstrong have the house of the late Mr. Richards at a rent of \$500 a year.

This was unanimously ~~agreed to~~ carried.

Mr. Wyllie begged leave to remind the King Council that the Rev. Mr. Armstrong though not in office, had, for many months rendered important services to the Minister of the Interior, & had incurred expenses, suggesting that he should receive some compensation.

Mr. Armstrong's
Salary

It was unanimously voted that his salary should commence from the 1st of May 1848, equal to about \$250 compensation.

Paki

Paki was continued as chamberlain for another year.

Royal Cemetery

Tanaina thought forward a motion for an appropriation for repairs to the Royal Cemetery.

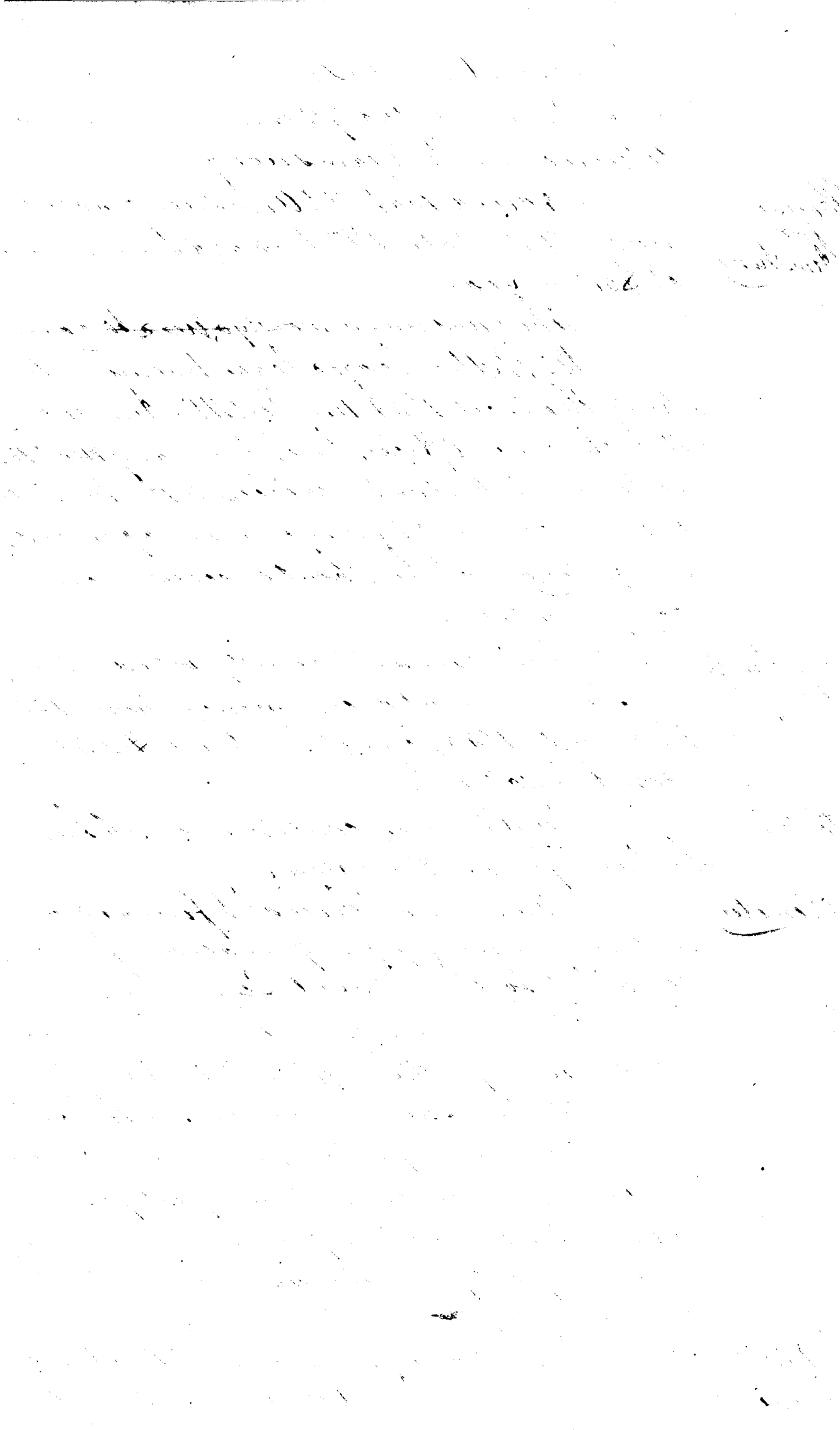
Mr. Sudd

Mr. Sudd suggested that it would be better to transfer the Coffins to the vaults under Mr. Armstrong's Church. Mr. Wyllie was of the same opinion, but as Judge Lee started some doubts, whether pestiferous exhalations could be presented, it was agreed to postpone the question for further consideration.

King's Visit
to Kauai

Mr. Sudd announced that the King intended to leave for Kauai, on the 15th instant.

Mr.



Mr Wyllie remarked that he had hoped to have the honor of entertaining their Majesties, the King & Queen, at a Cabinet-Dinner, in his new House, before inviting any other subjects.

The King condescended to name Tuesday next (the 13th) at 5 P. M. for that purpose.

Mr Wyllie stated that he only invited the King's Ministers & their Ladies, as the Members of the King's political family & that no inebriating beverages would be on the Table.

Mr Wyllie took occasion to state that he had had the honor of a friendly call from Mr. Ten Eyck, who wishing to proceed to California, was anxious to receive Mr. Wyllie's No. 7; that Mr Wyllie had read it to him explaining the views of the Cabinet, & that as Mr. Ten Eyck wished still to have it, he, Mr. Wyllie, had taken upon himself, to deliver it to Mr Ten Eyck, who appeared very friendly & glad to be able to proceed to California.

Mr Wyllie reminded Mr. Sudd of the Resolution, on the subject of Sudd's Lease, passed at the P. Council of the 24th September 1847. Mr. Sudd stated that that and other matters were to be fully attended to, during the King's visit, & that it was most unnecessary that Mr Wyllie should bring the matter again up, formally, before the King.

Privy Council 19th June 1848

Present The King

Kapleau
John Li
Kanaana
Kaapakahea
Mr. Sudd
Kao

Premier

Paki
Kamakeha
James Young
Mr. Armstrong
Mr. Wyllie - late
{ before detained by }
Mr. Gillon - }

Boundaries for
Sale of Ardent
Spirits

A motion was brought forward & carried
defining the boundaries within which
Retail Spirit licenses are to be used, viz.
Fort Street on the South East - Hootelamama's
house on the North West - Commercial Hotel
on the North East & the Sea on the South West

Mr. Armstrong
wrote a Charter
for a Boarding
School at Hilo

Mr. Armstrong brought forward the petition
for a Charter for a Boarding School at Hilo,
on behalf of the Secular Agents of the P.
I. Islands Mission, in the name of the
A. B. F. M. for 20 years, to hold lands
not exceeding the yearly value of \$10,000,
and to exchange & convey property, but
the proceeds to be faithfully applied
for sustaining the schools & for training
the Hawaiian Youth in various branches
of a Christian Education, sound and
useful knowledge coupled with manual
labour.

These suggested
Mr. Wyllie
to secure the
jurisdiction

A Clause in addition suggested by
Mr. Wyllie, was discussed & adopted. It was as
follows - And be it further known that
the company incorporated by the preceding
charter are clearly to understand that all
lands of the Kingdom are under the exclusive

jurisdiction of the King, & that no appeal or complaint, under this Charter, to any foreign Government can be admitted.

Resolution

It was then unanimously resolved that the Charter be granted.

Mr Armstrong then brought forward a motion for 40 acres of land in Ponahawau, Hilo, for the same institution, and laid on the table a letter to him of 6th June 1846 signed by E H Clark and D B Lyman - Committee of the Mission - He also laid upon the table a diagram of the land.

Land for a school at Hilo.

A Resolution passed to grant 40 acres (it belongs to the King) and to exchange it for land somewhere else.

to pay off
of school
in produce

Mr Armstrong then brought forward an application for Produce to pay off about \$3000 of \$6655.49 cents which was due to Teachers, on 31st December 1847. The produce to be Goat Rins or whatever may be most ready. Part of the above debt has been due for several years back.

Mr Sudd

Mr Sudd contended that the Government were not strictly liable for the debt, it having been clearly understood that they were liable only so far as the proceeds of the labor tax went.

Mr Armstrong, against that view referred to some Circular that had been addressed to Teachers by the late Mr Richards, offering them 25 cents a day.

Mr. Wyllie's
suggestion for
general
support of
Schools

Mr. Wyllie did not remember that any Resolution of the King in Council had ever been passed, authorizing him (Mr. Richards) to make that offer, but he (Mr. Wyllie) would like to see a Minister in co-operation to cultivate some large portion of land, the proceeds of which could suffice for the support of all the Schools in the Kingdom. If land could be had & it could be so cultivated, it would be a great national advantage; as in his view nothing could be more important to the Nation than to support education & religion. But Mr. Wyllie hoped that in all that had been done the Catholics should be considered as entitled to a fair equality.

equality to
Catholics

Resolution
appropriating land to land
to Teachers,
payment of
Govt debts

Resolved that if unoccupied Govt land can be found (wells land) it may be sold to the teachers at a price not less than two dollars per acre, the Govt to provide the necessary stamps. That the land be properly surveyed, & free simple Patents given for it, in payment of the Govt debt to teachers. That the Minister of Public Instruction shall audit the claims, & see to the surveying of the Land.

Minister of P. Instruction
for the balance
due to Govt
party

If there still remain debts unpaid as above provided, then the Minister of Pub. Instruction may draw on the Minister of Finance, for any property of Government that may happen to be in the hands of the Tax Officers, & the Minister of Finance shall, if the Govt be not thereby inconvenienced, order the Tax Officers to deliver sufficient of such property to discharge the balance of the debt to the teachers.



of Annam
to the Salaries
P. Ki, C. Kanaina
A. Keliu
B. Kamakeha
and Mr Young
\$3000
year

for the last 2
to Cap Penhallow
on receipts

Resolved that A. Paki, C. Kanaina, K. Kapakea, A. Keliuakohuni, B. Kamakeha & J. Kaeo, have each an increase of their Salaries of two hundred dollars per Annum, that Mr Young receive the same salary as the other Ministers.

Resolved that Cap Penhallow be paid \$500 for the last two years, and 20% on the receipts of his office, for the future

Honolulu, Hawaii
14th July 1848

Meeting of the Privy Council.
Present, His Majesty — The Premier
Minister of Finance — A. Paki
A. Keliuakohuni — C. Kanaina
J. Kaeo — K. Kapakea,
Paulo Kanou.

The arrival of a Boat from Oahu was announced, bringing despatches, stating that a disturbance was expected on Maui, with the intention of overturning the Government, like the Nations of Europe. There was a letter from the Governor of Maui, one from M. S. Linton and one from Dr Tennent, stating what had come to their knowledge.

In consideration of the matter, the majority of the Chiefs seemed to believe the report of a disturbance being intended, but that it would not be of a serious nature, because the men mentioned in

the leaders, as being concerned, are not bad men, their opposition consists of words only.

It was observed that a similar noise was made before, at the time Keliiahonui, Mr. Richards & Mr. Si were sent up to inquire into the affair, but nothing definite could be found. And it was resolved, that, at present, it is not expedient for His Majesty or the Chiefs to leave here, but that the matter be laid aside as if it had not been heard of.

It was further resolved, that His Majesty write to Kekaunohi to go up to Maui and inquire into the truth of the reports, endeavour to make every thing straight, and report in writing, to His Majesty.

It was further resolved:
If it is really the intention of the people to attempt the subversion of the Government, it will be best for us to remain quietly on Kauai, until we have finished selling lands and fully completed our business here, and afterwards, if necessary, go to Maui.

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had been proclaimed in France, and that the change of Government will in nothing impair the sympathies of the French Nation, for this young State.

Resolved by the King and this Council that the assurance made through the Consul of France is highly agreeable to this Government, whose most ardent desire is to cultivate with France, be her form of Government Republican, or whatever the National Convention may decree it to be, the friendly relations that have heretofore subsisted between the two States.

Mr. Wyllie being instructed to pass a copy, officially, to Mr. Dillon, asked the King's permission to withdraw with a view of giving instant effect to His Majesty's commands.

It had been previously agreed to hold another P. Council, on other urgent business on Tuesday at 10 a. m.

Privy Council 15th August 1845

Present The King	Premier
Paki	Kelurahonui
Kaeo	Hamakeha
Ketuanawa	John Li
Kapaakea	Mr. Armstrong
Mr. Sudd	Mr. Wyllie

Mr. Lee drafted the following resolution relating to the appointment of Mr. Bates.

Resolved that Mr. Asher B. Bates be retained by His Highness the Premier as Attorney & Counsellor for His Majesty's Government, in all legal cases & questions which may arise, in which the Government may be a party, and that the Minister of Finance be authorized to pay Mr. Bates, the sum of \$1500 for his services during the first Year.

After some discussion, Mr. Mylles addressed the King as follows.

May it please your Majesty, I have the honor to make a few remarks relating to Mr Bates. At a time when Your Majesty's Government was perplexed with legal difficulties, when Mr Ricord had announced his wish to go to California, & before the appointment of Your Majesty's Chief Justice (Mr. Lee) which had been so beneficial to your Government, letters were forwarded to Mr Bates which had induced him to abandon his home & his practice, & with his Wife & family & every thing he holds near & dear to him, to transport himself to this Country.

Since his arrival, he had appeared in Court, on several occasions, & had made a most favourable impression as a Gentleman & a Lawyer.

On the 11th, the Cabinet had met to consider his case & the want of some Professional Man to conduct the legal processes of the Government, & they were unanimous in their opinion to recommend that Mr Bates should be retained, & that he should be liberally dealt with. By authority of the Cabinet, he (Mr. Mylles) had addressed to Mr Bates the letter which he held in his hand, & had received a reply, which he also held in his hand, in which Mr Bates signified his willingness to be retained. Upon this point Chief Justice Lee, had prepared a Resolution, which he would read.

The question was put to Mr. Lee if Mr Bates was a Man skilled in the law! Mr. Lee replied that in his opinion, he was, quite as much so as any Man, on the Islands.

Mr. Lee moved the Resolution, above recorded.

Governor Kekuanaoa thought if they all approved of the talent and fitness

Mr. Lee

Kekuanaoa

of Mr Bates, the rate of salary should not form any difficulty.

King Chiefs

The King and several of the Chiefs seemed pleased with the idea that Mr Bates would act as Counsel for poor Natives, gratis, but receiving pay from those who were able to pay. Always attempting to conciliate Natives when disposed to prosecute one another.

Mr Lee

Mr Lee said the business of a conscientious Lawyer, in all cases, would be to endeavour to conciliate all parties whether Natives or Foreigners.

Mr Wyllie

Mr Wyllie cordially concurred in that opinion & fully believed that Mr Bates would act up to that high & honorable principle, & moved that the words "to commence on the 23rd day of June 1848" be added to the resolution.

This was agreed to.

After this some further discussion ensued, in which John Li took a prominent part, but what he said was not interpreted, in English.

Mr Armstrong

Mr Armstrong, having read the resolution with the addition of the words moved by Mr Wyllie said he was happy to second it.

Mr Wyllie

The Resolution was then passed unanimously. Mr Wyllie suggested that the Premier should pass a copy of the Resolution, officially, to Mr Bates and appoint him.

The following is copy of the Resolution as amended by Mr Wyllie.

Resolved,

That Mr Asher B. Bates be retained by His Highness, the Premier, as Attorney & Counsellor for His Majesty's Government, in all legal cases & questions

which may arise in which the Govern^t may be a party, and that the Minister of Finance be authorized to pay Mr Dates, the sum of fifteen hundred dollars for his services during the first year - to commence on the twenty third day of June 1848 -

Mr Goodale

Mr Armstrong brought forward the case of Mr Goodale, as recommended by the Cabinet, at their Meeting of the 11th, to be employed at a salary of \$800 a year. He seconded the motion.

Resolved unanimously that he be appointed.

for a School
for Foreigners

Mr Armstrong explained the importance of connecting Agriculture with Schools & his wish to obtain a lot for a School for Foreigners up Nuuanu Valley.

A discussion took place from which it appeared doubtful that the lot expressed was really waste, & not private property. A question of law was also started how far under the present laws, land though lying waste, but belonging to private parties could be taken for Schools. Mr Lee was of opinion that they could not.

Mr Lee

Mr Wyllie

Mr Wyllie begged to remind His Majesty in Council that when the Division of Lands, between the King & Chiefs was brought up before the P. Council, on the 14th December last, he had made certain suggestions in writing, one of which was that in that division the support of Schools & Churches should not be forgotten. He thought the questions of land and education were the most important to the advancement of the Islands in civilization, and even to their existence as an independent Kingdom. He has never been able to see any reason why lands here, should not be set apart

by law, for the support of Schools & Churches the same as they were in the U. S., in Canada, & in other British Colonies.

Mr Sudd drafted the following Resolution, in native, which he read in English — "When the Superintendent of Schools desires land to cultivate for his pupils, or a site for a school house, on land which has been appropriated to an owner by the division of lands, then the Superintendent of Schools shall write to the Minister of Education setting forth clearly the character of the land, its quantity and condition as to occupancy &c, together with the name of the land — then the Minister of Education shall confer with the owner and arrange that the said price of land shall be taken out of the Government 3rd interest in his lands — but if it belong to the King, he must confer with the King. If it belong to the Government with the Minister of the Interior."

The above Resolution was then passed.

Land in Hilo for Catholic Church

Mr Armstrong then brought forward the matter of the land for a Catholic Church at Hilo, as referred to in the Minutes of the 11th. Two acres was all that had been granted, but upwards of 3 acres had been surveyed, & the matter had remained unsettled ever since the time of Mr Richards.

Mr Armstrong went away to his house to obtain a plan of the land.

Paki obtains pecuniary relief

Mr Sudd said that Paki wished to see his lot occupied by Marshall at \$125 a year for about 16 years, after which the building was to revert to him. He stood in need of about \$1350 to pay for his Market. Mr Sudd thought it would be

letter to give him \$2000 and take his Market. The Market, it appears, yields him \$900 a year. A Vote was passed allowing the purchase of Pakia's lot for \$1000.

Mr Armstrong returned with the Plan of the land. The land being proved to be the Kings, and Mr. Armstrong suggested that the King should at once grant the whole of it.

Kings generosity
Catholics

The King said at once that he would, & authorized Mr. Armstrong to act accordingly.

Mr Wyllie

Mr Wyllie expressed great satisfaction at the generosity of His Majesty. It was good taste towards the French Catholic Priests, at the present moment, that they were less secure of the sympathy of France than they had been before. Upon this point he had expressed his opinion strongly, at the Cabinet Council of the 11th.

Mr Iudd

Mr Iudd brought forward the question of the Kings Visit to the Windward Islands

Kekuanawa

The Governor said yes, he should go. Mr Armstrong suggested that on those occasions numerous trains should be avoided as being offensive to the Natives.

To this Kekuanawa made some reply, which induced Mr. Armstrong to refer to Mr Wyllie, for what was usual for Kings to do on such occasions.

Mr Wyllie

Mr Wyllie replied that in all ages that in all ages of the World it had been usual for Kings to make progresses among their Subjects & inquire into their grievances. It had been so with the best & most popular of Kings recorded in History. In the feudal times, it was customary

for the Kings seven the great Barons to travel with numerous retinues, but of late, Royal progresses were made in a more simple manner, without Purveyors who took things in the name of the King without paying for them.

Mr. Myllie

Mr. Myllie, from all accounts received from Kauai, felt assured that the Kings visit there, had done great good; that what had been done in the matter of Lands had given great satisfaction even to Foreigners; that similar Visits to the other Islands would produce the same effect, & that, in his opinion, if the King could be spared it was important that he should make the tours proposed. He thought that after the recent manifestations of discontent, however much exaggerated, nothing would more revive the natural loyalty of the King of His Native Subjects than to see that he had not forgotten them, but went among them to encourage them to complain of all who oppressed them, & to do good to his Subjects like their common Father.

Mr. Sudd

Mr. Sudd, after addressing the Council, at considerable length his Native, which he briefly explained in English, said to his mind there were two great difficulties - the first was that if the King & suite went immediately they would disappoint the parties on Kauai, who had been promised lands; and secondly, if they delayed, the bad season would approach, but he added if it be considered that serious disaffection exists on Maui, perhaps all these obstacles should be overlooked.

Mr. Armstrong

Mr. Armstrong stated his reasons for believing that David Malo was innocent of all that had been charged against him,

and that there really was dangerous disaffection on Maui, although some of the Foreigners had been alarmed, and it now even was asserted that Ketaumai had gone up to make war upon the Government.

Mr. Lee

Mr. Lee also expressed his belief that there was no fear whatever of the Natives.

Mr. Myllie

Mr. Myllie, said, he was disposed to adopt the same opinion, particularly as regards the intentions of David Malo, but he was inclined to believe that the Natives had made use of seditious language, and as the greatest revolutions in States usually spring from very small sparks, as had lately been seen in France, he thought it the safest course to make inquiries on the spot, but avoiding to aggravate or alarm the parties by any appearance of suspicion, or of intended punishment. As a King's Minister, he felt they were all responsible of his safety, and the preservation of his authority, and that if any thing should occur hereafter, their own consciences and the World would blame them for not having taken warning by the events on Maui, slight thought they were.

After some further discussion, it was unanimously resolved, that what Kauai and other business could be done, should be done before the 1st of September and that the King & Suite should prepare themselves to start then.

Mr. Myllie

Mr. Myllie laid on the Table, the draft of his Despatch No. 19 of 19th July to Mr. Barclay, on the subject of the indemnity of £425. 16. 8 to James Maclean, & handed it to Mr. Sudd to interpret to the King. Mr. Sudd read it, but there was no time to bring it forward.

Mr. Myllie

Mr. Myllie drafted the following notices for the Polynesian.

By authority
 His Highness the Premier, has retained
 asher B. B. Bates Esquire, a Attorney at Law,
 late of Michigan, in the United States, as
 the Attorney for the Government in legal
 matters.

The King has been pleased to signify
 His pleasure to leave for the Islands of
 Hawaii, Maui and Molokai, on the
 1st of September, to make a progress on
 those Islands, as He has just done on
 Kauai

Mr. Myllie

Mr. Myllie said he had much
 business connected with his Department
 to bring before the Council, but as the
 King would be here till the 1st of Septem^r,
 he would put it off, till a future
 Council.

The Council was then
 adjourned till Tuesday next at
 11 o'clock A. M.

1848

Adjourned P. Council 22nd August

Present The King

Premier

Kala

Kanaina

Kepuanapa

Paki

John Si

Namahoha

Kapaahea

Premiers lady

Mr. Judd

Mr. Armstrong

Mr. Myllie

Chief Justice Lee

Mr. Armstrong

Mr. Armstrong mentioned several
 minor subjects that he wished to bring
 forward. Amongst them that of a lot of
 land for the support of a Church & Teacher
 at Wai Rane Kalau, Island of Oahu

in these lands for
Church at Waikane.
Mr. Wyllie

Mr. Ludd
respecting Mr.
Stevens's offer
of Cattle & Land
on Kauai

The land belongs to the Government since 1848.
Armstrong wants a Vote to authorize him to visit the
Place, & appropriate 5 Acres of land to the above purpose.

Mr. Ludd, having important business to bring
forward, Mr. Wyllie suggested to Mr. Armstrong to
allow him to take precedence, for the time, & then
to bring up his affairs, afterwards as there might
be time.

Mr. Ludd mentioned that Mr. Stevens had
offered (by letter dated 16th August, 1848) to buy of the
Government the Herd of Cattle, which he (Ludd)
about a year ago, had sold to the Government for
about \$1000, Stevens to pay for the Cattle with
their subsequent increase, at \$8. for great &
\$3. for small, the same prices at which, Mr.
Ludd had sold them.

Mr. Ludd said that he had found that
it was a losing affair to bring up the Cattle
here, against the wind.

Mr. Stevens offered to pay for the Cattle
in bills, endorsed by Pynchard, some at 6
and some at 12 Months.

He wishes to lease 900 acres of land
on which the Cattle feed at \$200 per annum,
for the period of fifty years.

A discussion took place upon the
danger of trespassing, by his Cattle, on
the adjacent lands.

Chief Justice Lee

Chief Justice Lee was strongly
of opinion that Mr. Stevens should be obliged
to fence in the land.

Mr. Ludd

Mr. Ludd thought a wording
might be introduced whereby the Lease
would be forfeited in the event of continued
trespass.

Chief Justice Lee

Mr. Lee drafted the following
clause to be embodied in or added to the
Lease, which Mr. Armstrong interpreted

"And it is moreover agreed by
and by and between the parties of the first and
second part, that if the said Thomas H.

Stevens, party of the second part, shall not confine his cattle within the boundaries above named, or shall, at anytime, allow his Cattle to stray on other lands not named in the above lease, shall be forfeited in the discretion of the party of the first part, and the land described and set forth therein shall immediately revert and be delivered over to the possession of the said party of the first part."

The Council unanimously resolved accordingly.

Mr. Iudd &
Mr. Dudoit

Mr Iudd then brought forward a Note in Native, relating to \$500 from Dudoit, to be apportioned among different parties, the largest claimant being Helehohehuni

Mr. Myllie &
Dudoit

Mr. Myllie stated to Mr Iudd that, as Mr Dudoit, had gone off on the 10th without having time to grant to Mr Myllie the securities promised for his large advances to Dudoit, it was the latter's wish that every thing relating to his Lease, as arranged with Mr Iudd, should be settled as soon as possible, and that it should be borne in mind that his original Lease from Charlton, was from Mary Taylor to Mrs. Anna Dudoit.

Mr. Iudd,
Kanaiana
lands to Natives
Manoa Valley.

Mr Iudd brought before the Council, the question of lands given, under allodial title from the King, by John Si, some of which lands, Kanaiana had taken away, alleging that the lands were his, and that John Si had done wrong in giving them away. Mr Iudd's view was that the Kings allodial title must be respected, and that unless Kanaiana yielded, the dispossessed Natives, who had applied to prosecute him, ought to be prosecuted. In fact, he (Mr. Iudd) was ready to assist them.

Mr Myllie

On receiving this explanation, Mr Myllie strongly approved of supporting the cause of the humble Natives, so far as they might have rights, as it would tend to give the poor confidence in their titles -

Judge Lee

Judge Lee thought that though

Kanaina could not violently dispossess the occupants, yet he could eject them by legal process, and it would be very inconvenient to allow any allodial title granted in good faith by the King to be invalidated. It would be better to indemnify Kanaina, so as to induce him to waive his rights, if he had any.

Mr. Sudd

Mr. Sudd was of opinion that all the allodial titles granted should be maintained, and that the remainder of the land should be apportioned to the parties, under fee simple titles at once.

The Natives discussed the question with much interest.

Kekuanana

The Governor thought out of respect to the King's signature and the Premier's, Kanaina ought to yield his right, if so, he could take as much of the land allotted to him.

Mr. Wyllie

Mr. Wyllie begged to say he was exactly of Kekuanana's opinion.

Kanaina

Kanaina said that as the question had come up courteously, and not as before, denying that he had any rights in the land, he was ready to yield.

The Council unanimously voted in approval, and that the lands should be staked off.

A further discussion ensued upon the Policy of selling lands to parties who are already large holders.

It was unanimously resolved that Mr. Armstrong should go up to Monoa Valley to assist the Surveyors in dividing the lands.

Kekuanana rose and stated his opinion that the weather would be unfavourable for the King to go to Maui on the 1st of September.

Resolution appointing

Mr. Armstrong to look out the Lands

Governor Kekuanana talking to the King's Visit

The King
&
Hopkins

The King stated that he wished the case of Mr Hopkins to be considered, and what was to be done with him.

Mr Sudd said that the King wished Hopkins to be always with him and that he should be paid a salary

Mr Mylne asked if Mr Hopkins had resigned his Judgeship. Mr Sudd said not.

Constables
and
Soldiers
for the
Islands

It was proposed by Mr Sudd to appoint the following Constables, viz -
100 for Kauai & Niihau
300 for Maui, Molokai & Lanai
300 for Oahu
300 for Hawaii

1000 Constables in all
and the following Soldiers were proposed
viz - 100 for Kauai
500 . . . Oahu
200 . . . Maui
100 . . . Hawaii
in all 900 Soldiers

Mr Sudd

A Vote in approval of these numbers was passed.
Mr Sudd brought forward, a list of Arms and Military accoutrements which he proposed to order through Mr Hunt, which was voted in the affirmative; and an order for Iron - Water-pipes through Mr Skinner, which was also approved of by vote

Chief Justice Lee
and
Parsons

Mr Lee recommended that Mr Parson should be paid \$1000 he to pay his own Interpreter, considering him a man possessed of legal knowledge, and a man well qualified for his office.

Mr Sudd having to retire (it was two o'clock) Mr Lee brought forward a resolution to the above effect, which Mr Armstrong interpreted.

Paki

1426
Mr Paki inquired if the business of the Court, at Lahaina, left any considerable revenue

Judge Lee

Judge Lee replied that he could not answer that question, but that Mr. Sudd would know.

After some discussion, Mr. Armstrong having asked Mr. Wyllie if he understood the proposition,

Mr. Wyllie

Mr. Wyllie said, under all Governments, whether Monarchical or Republican, there was a distinct branch of the Administration called the judicial, and it was the duty of the Executive, who here was the King, (and may God long preserve him to be so) to appoint proper men to do justice between Man & Man. It was not expected that the Judiciary should produce a revenue equal to its expenses. It required to be paid, and after what had fallen from Chief Justice Lee, than whom no man was more able to give a good opinion & none would give it more impartially, it was his (Mr. Wyllie's) opinion that if the King's revenue would warrant it, Mr. Parsons' salary should be augmented, as Mr. Lee had moved.

Resolution

A Resolution was passed, sanctioning the augmentation

Mr. Sudd

Mr. Sudd then returned, it being now 2 P. M., he having agreed to meet Mr. Stevens at 1 P. M.

Mr. Wyllie

Mr. Wyllie said that it would please him, much if the King would condescend to convoke an early C. Council, to enable him to lay before His Majesty sundry important matters connected with the Foreign Relations of His Kingdom. He had

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not hitherto obtained them, solely from a wish not to embarrass the business of other Departments, perhaps more urgent, from their domestic importance, but he never felt at ease except after accounting fully to His Majesty receiving his permission, in every important official act. He had much to say to His Majesty upon the subject of communications received from abroad, and it was necessary to issue the General Instructions to the Foreign Agents of His Majesty, who were all anxious upon that point - upon the official seal and button they were to use and the Uniform they were to wear. He would be prepared to submit his ideas upon all these points at the first P. Council it might please Him to convene; he wished as many as possible to attend. He had ascertained of Mr Luss, before he left, that any day would suit him.

Government The King having consulted with the Premier and Chiefs, fixed Friday at 10 A.M., and the P. Council was adjourned to that time.

1848

Adjourned Privy Council Friday 25th
August 1848 at 10. A. M.

Present	The King	Premier
	Paki	Kanaina
	Kaeo	Nekuanaoa
	Amshong	Judd
	Namaho	Myllie
	Chief Justice Lee	

Mr Myllie craved permission of His Majesty to make known to the Council that the Resolution of the King in Council, of the 11th inst, had been officially communicated to the Consul of France, on the same day, and that he had replied that it was voided

Change of
Government
in France

in terms becoming suitable to the circumstances.

Mr. Wyllie begged to make known to His Majesty that Mr. Vida, being about to absent himself from the Islands, left Mr. Wyllie a letter dated 17th April last, in which he stated that he had received ex-official notice of his appointment, and empowered him to open any communications addressed to him, officially as such, and to acknowledge it to the Minister of Foreign Relations assuring His Excellency that he would joyfully fulfil the duties of that appointment. That he had shown that letter to Mr. Falkner, on the 19th inst. and had received a despatch addressed to Mr. Vida officially as Consul of Chile, containing his Commission as such, signed by the President 8th January last, a letter addressed to him (Vida) by the Minister of Foreign Relations, dated 10th January 1848, a sealed letter addressed to him, and an official letter addressed to Mr. Wyllie dated 10th January making officially known the appointment of Sr. Vida. Mr. Wyllie read the latter, from the Spanish, and said he would be glad to receive His Majesty's authority to grant an accreditation to Mr. Vida, and to reply to the Minister of Foreign Relations very courteous communication.

The King at once granted the required authority, and seemed pleased with the appointment of Mr. Vida.

Mr. Wyllie added that most likely, Sr. Vida, would take an early occasion after his arrival to shew to His Majesty that the Government of Chile fully respecting his prerogatives of King, did not approve of the course of contempt pursued by Capt. Cheever and Mr. Abel. Mr. Wyllie then stated that pursuant to notice given at the P. Council of the 22nd he had now to lay before His Majesty in Cabinet Council, the General Consular & Diplomatic Instructions which he had prepared pursuant to Section 2, Chapter 1st.

His Majesty
accreditation
to Sr. Vida, as
Consul of Chile

Cheever & Mr. Abel
General
Consular Instructions

of an Act to organize the Executive Departments. Both Consul General Livingston and His Majesty's Charge, Mr. Elbridge (who had proved himself exceedingly active & useful) had expressed their anxiety to receive such instructions, and to know what official Seal & Uniform they could use. He begged that His Majesty would permit Mr. Armstrong to read over the instructions, article by article, in Hawaiian, carefully explaining them, as he went along. This was done by Mr. Armstrong, the King & Chiefs putting questions, as he proceeded.

Mr. Armstrong
13th article

Mr. Armstrong stated to the King the objections of Mr. Mudd & himself to the 13th Article.

Mr. Mudd

Mr. Mudd stated that his objection is not so much on the score of depraved Morality, as precedent & want of funds.

Vote

The Council, after some discussion, voted that the 13th Article should be expunged.

Justice Lee
in Resolution

Chief Justice Lee rose & asked His Majesty's permission to move as follows, viz; "Resolved that the written instructions to the Diplomatic Agents and Consuls of the King of the Hawaiian Islands, this day presented to the King in Privy Council, by the Minister of Foreign Relations, be fully approved, with the exception of the 13th Article, which shall be expunged."

Mr. Armstrong seconded the Motion

After some discussion, it was passed unanimously.

Chief Justice Lee framed a proper Preamble to the General Instructions so as to give them the form of the Order in Council, agreeably to the Law - which follows -

Order of the Privy defining the

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instructions to be given to the (Delegation) Agents
and Consuls of the King of the Hawaiian Islands
by the Minister of Foreign Relations, a decree by
with Section II Chapter I Part II of "An Act to
organize the Executive Departments of the Hawaiian
Islands" passed and approved by the King in
Council August 25th AD 1848

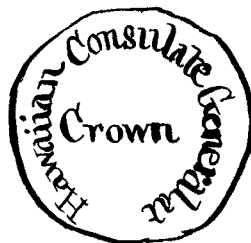
Seals

McNelly then submitted a plan of
official Seals, which was approved of by Vote.
The Designs were as follows, -

Seal as at top of the General Instructions,
but round the circumference with the words



For all Ministers
and Charges



For
Consuls General
only



For all Consuls,
Deputy Consuls,
Vice-Consuls
&
Consular Agents

The words to be in Hawaiian.

McNelly, next submitted his idea
of the Button, Uniform, Hat, Sword to be
used by Charges, Consuls General, Consuls
&c. This was approved of as follows

Standing up Collar of Black Velvet

Edging in gold embroidery in form of a Chord all round

The crown to be large enough to fill the space

Embroidered Fern on both sides, stretching from the crown to the Star, leaves pointing backward

Star of five points in the Center behind

This side same as the other

Edging round the bottom of Chord as above

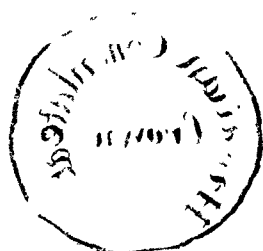
Single breasted nine buttons - 9

Four buttons behind - 4

Two " for each Cuff - 4

17 in all

Coat Navy-blue, lined with white satin, and the bottom of skirt one large star embroidered by a machine exactly as the Crown is on the French Consular Button.



Buff of black Velvet-

Embroidered chord

embroidered with Myrtle Leaves
3 Stars, for Charge d' Affaires
2 " " Consul General
1 " " Consul

Pocket Lid

Small Star
Embroidered chord

Button of the usual size, with polished raised border round the edge, center convex, smooth & polished, and bearing thereon the King's Crown & Cipher, as under



For Waistcoat, same buttons, but reduced in size.

White Waistcoat 7 Buttons.

White Kerseymer trousers, Gold lace 1/2 inches down sides.
Straight Dress Sword, black scabbard or Crown on the hilt,
or a plain hilt, if no one with a Crown can be got.
Dress Boots or Shoes & White silk Stockings.

Black Stock or Cravat.

Cocked Hat & Black Feathers, as in Consular Hats.

Cockade Red
White
Blue arranged in circles beginning Red, White, Blue. Cockade to be fastened with button and lace, in the usual way.

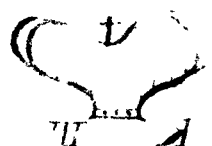
White Kid Gloves & White handkerchief

The King suggested that the Sword-Belt should be of white silk, with a Buckle bearing a Crown

Mr Wyllie, then remarked, that with much respect, he availed himself of this opportunity to state, that the proper Uniform of His Majesty himself, His Ministers, and other Officers had never been settled upon any proper system. Mr Wyllie named the following list for whom he thought Uniforms should be ordered

Uniform for King & Queen
" " Ministers
" " Privy Councillors

Wyllie's sug-
gestions respecting
uniforms for
King &c



White
(White)
Rice

Uniform for Governors of Islands
 " " Collector General of Customs
 " " Collectors of Customhouses
 " " Marshall of Hawaiian Islands
 " " Prefect of Police
 " " Captain of the Fort
 " " " of the Port.

Dress for Judges

Uniform for Physician

Queen's Head-dress

Distinction for Young Chiefs

It was approved that Mr. Young should use the Uniform, made in Europe, of the late Mr. Haalilio, and Mr. Iudd, at his option, provisionally, the uniform of M. Du doit.

Mr. Wyllie said it was impossible that the proper designs for Uniforms corresponding to the exalted rank of His Majesty, and those becoming subordinate dignities, according to their classes could ever be invented, except through some Army Clothier accustomed to such matters. If the King Council authorized it he (Mr. Wyllie) was willing to undertake the task of obtaining such designs, and the Uniforms to come from London.

Chief Justice Lee begged to observe that so far as he himself was concerned, although in Loyalty to the King he would yield to no one, he was still so far a Republican as to decline any Uniform for himself as Judge.

Mr. Armstrong was of the opinion that Chief Justice Lee expressed, being fond of simplicity, and averse to use himself any other Uniform than what became the character of a Clergyman.

Mr. Wyllie, begged respectfully to assure His Majesty & the Council, that he fully concurred in what had fallen from Chief Justice Lee and the Minister of

Mr. Wyllie

Chief Justice Lee.

Mr. Armstrong.

Mr. Wyllie.

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Public Instruction, in regard to the dress that they should wear; it was not his opinion that they should wear Uniform; it would be recollected that in 1845, when it pleased His Majesty in P. Council to order the use of the Red Ribbon as the distinctive of Ministerial or Cabinet rank, he (Mr Wyllie) has stated his opinion that the dress of the late Minister of Public Instruction, the much lamented Mr Richards, should be plain black and that he should wear a white silk Ribbon: He (Mr Wyllie) considered that white was the color most accordant with the character of a man who has preached Christian truth, and had the special charge, under the King, of matters relating to religion and education.

Mr Wyllie, upon the general principle of Republican plainness & its expediency here, differed somewhat from the Reverend Mr Armstrong. He thought that although externals could not affect His Majesty's indecisable right to the Crown, yet, considering the peculiar character & only partial civilization of the people over whom God has placed Him, it was a duty to support His Majesty's authority, by every possible mark of external respect, upon all occasions. Now, human nature, was so constituted in all countries, that the external of dress and form were intimately connected with the awe and respect entertained for Governing Authorities.

Mr Dr, said something in Native, which Mr Wyllie understood to mean, that he should not wish to wear a Uniform as Judge.

Mr Kekuanana also spoke, suggesting that the matter of Uniforms ought to be arranged here, in place of being referred to Europe.

The King was pleased to express a wish that Mr Wyllie should, at some future meeting, submit in writing a draft of the order that he suggested as proper to be sent to Europe.

Mr Wyllie begged leave to add that he thought that a Croton should be ordered for

John Li

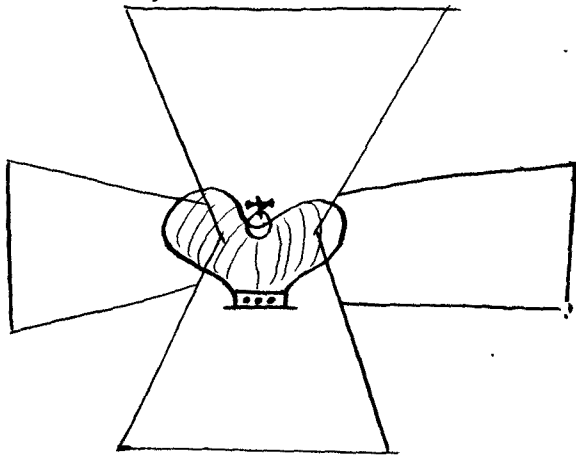
Kekuanana

Wyllie instructed
the subject
Uniforms.

Mr Wyllie

1472

His Majesty & a proper head-dress for the Queen. He also suggested the expediency of instituting an order to be called that of the Crown & Sword, as per sketch



Royal order of the Crown and Cross

1st Class Gold Cross

Crown in Diamonds

2nd Class Gold Cross

Crown in Turquoise

3rd Class Silver Cross

Crown in Gold

To be suspended by a Ribbon of the National Colours.

Mr. Sudd then brought forward a libellous attack upon the Government in the Sandwich Islands News N^o 43 of the 23rd instant. He read, in native, the whole of the article, from that Paper.

John Li.

John Li denied that any allodial title had ever been taken away from any Native. There had been a case, that of Metcalf, owing to the irregularity with which the title had been given.

Kanaina

Kanaina, also disclaimed ever having taken away any title — admitted that with some natives he had a difficulty, because their lands were not properly given, and they had promised to return their titles, but they had never done so.

The question of prosecution of the Sandwich



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Islands News was discussed. Judge Lee considered that it would be an undignified course, but wished to be excused from any special consideration of the case, owing to his position as Judge.

After much discussion, Mr. Judd proposed that a plain denial of the charges should be inserted in the Polynesian. This having been approved of, Mr. Wyllie drafted the following, which having been amended was signed as under

1848

47/6

Adjourned Privy Council 26th August at 10 AM.

Present The King

Premier

Paki

Kaeo

John Si

Armstrong

Myllie

Mamakoha

Tanaina

Kekuanaua

Sudd

Mr. Sudd

Mr. Sudd again brought forward the subject of the lands said to have been taken away in Mahoa Valley.

Mr. Armstrong

Mr. Si

Rev Mr. Armstrong spoke upon this subject; also John Si. The latter denied that he had ever asked for the title from Metcalf.

Mr. Myllie

Mr. Myllie suggested that the regular way would have been for the King's Council to institute a Commission to make a searching inquiry, into the truth of all the statements made on both sides.

Mr. Sudd

Mr. Sudd brought forward in Native the instructions he had prepared for the Tax-gatherers. Mr. Armstrong read it, and then Mr. Sudd. Mr. Myllie inquired what the document was.

Mr. Armstrong

Mr. Armstrong read in Native his instructions to the Superintendents of Schools.

Resolution

A long discussion on details followed and it was finally resolved that both instructions should be approved of, & that it should be left to Mr. Sudd & Mr. Armstrong to arrange any small matter of detail that might require improvement.

Sudd brings forward the petition of George Morgan & Anthony Jenkins

Mr. Sudd brought forward a Petition in Native from George Morgan, that that part of his Sentence be remitted which prevents his leaving the Kingdom, he engaging to leave it in 30 days, & further a petition from Anthony Jenkins praying to be relieved from Banishment, and to be

allowed to remain on the Islands, & he is married.
A resolution was passed granting both petitions: Morgans on condition that he leave the Islands in 30 days for ever, and Jenkins, his sentence to be suspended, subject to his good behaviour.

Mr. Sudd & Hopkins

Mr Sudd then brought up the case of Mr Hopkins in which the King was personally much interested. He thought it would be a disrespect to the King to keep the matter longer in suspense. He proposed that Mr Hopkins should act as Clerk of the Supreme Court, as Secretary of the Privy Council and receive for both duties \$400 a year, the King to make up the difference between that & what might be necessary for Mr Hopkins's support. Mr. Sudd considered that Mr Hopkins was a very useful man near the King.

Mr Wyllie.

Mr Wyllie stated that he ^{had} always thought very highly of Mr Hopkins - that he had understood some time ago that although accustomed to dine with wine, he had voluntarily taken the pledge, purposely that on that ground he might exert a salutary influence on the Chiefs - that in regard to the adequacy of his knowledge of Hawaiian, he (Mr Wyllie) could not judge, but he was quite willing to rest his faith in that respect on the judgment of Mr. Sudd, & that he was decidedly of the opinion that the express wish of the King in regard to Mr Hopkins, and all other respects should be received by this Council, in an imperative sense.

An unanimous vote was taken approving of the appointment of Mr Hopkins.

Mr. Armstrong
&
Selling Beef
Sunday

Mr. Armstrong reading Section VIII page 197 of the new laws, said he felt it his duty to bring forward the question of prohibiting the Butchers from selling & distributing Beef on Sundays. Nations had complained of it, & he had had some talk, on the subject, with

the Governor. Mr. Sudd stated he wished to hear Mr. Wyllie's opinion upon the subject.

With that view Mr. Armstrong explained to Mr. Wyllie what he had said upon the subject. Mr. Wyllie stated that he considered the question, like all others of religion and morality, to be one of great importance. Such questions he could not approach lightly, for he had been bred & born a strict Presbyterian, whose rule was stringent in regard to the sanctification of the Sabbath. Yet the Presbyterian Church, strict as it was, allowed all works of necessity & mercy to be lawful on a Sunday. Even our Saviour had allowed them in the beautiful parable of the lost Sheep, see His remarks to the Jews when they rebuked His disciples for plucking the ears of corn on a Sunday. For all these reasons, he had great doubt of the propriety of dealing out Beef and other eatables, liable to perish by heat, on a Sunday. He feared that the effect upon the sick, strangers arriving, and upon the poor & improvident might be harsh, if not inhumane & uncharitable. It might be well to order that no animal should be slaughtered on a Sunday - no price taken for Beef to be dealt out on that day, and no disorder permitted, but further than that he questioned the propriety of going.

Mr. Sudd

Mr. Sudd spoke at length in native, illustrating by many examples the objections to the proposed regulation recommending that the supply of Beef be should be restricted to 7 A. M. on Sunday morning.

News.

Reverting incidentally to the subject of the S. Islands News the statements relating to lands in Marrow Valley, after some discussion between Mr. Armstrong and Mr. Sudd, it was agreed that further

inquiry should be made into the facts & that those facts should be passed over to Mr. Wyllie, to prepare a reply for the next Polynesian.

Mr Wyllie

Mr Wyllie calling their attention to the article lie in the Polynesian No. 15, stated that if they would carefully sift the facts, so as to be absolutely sure of the truth, he would have much pleasure in preparing a statement.

Mr Armstrong

Mr Armstrong stated that he deviated from the opinions of Mr. Wyllie & Mr. Sudd, as he considered that Beef killed on Saturday would keep next day, and that every necessary supply could be procured, beforehand, on Saturday.

John Li

John Li inclined to the opinion of Mr. Armstrong.

Okunanaoa

Governor Okunanaoa, at some length, explained why he was disposed to take the view of Mr. Sudd & Mr. Wyllie.

John Li

Mr Li, spoke in further elucidation of his opinions.

The King

The King, observed that having heard all that had been said on both sides, it was his opinion that the question was too important to be disposed of suddenly - and that it should be put off, for some further discussion, & that, in the meanwhile, all should consider the question carefully.

This view of the King was approved of an unanimous vote.

Mr Hopkins to be
in as
Secretary of
P. Council

It was resolved, on motion of Mr Sudd, that Mr Hopkins should be sworn in as Secretary of the P. Council, at a special P. Council to be convened for that purpose.

Mr Wyllie

Mr Wyllie suggested that all the Members of the P. Council should take the Oath, required by law, on the same occasion.

Mr. Sudd

Mr. Myllie

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Mr. Sudd thought that all the Native Members
had already been sworn, & that only the King's
Ministers had not.

Mr. Myllie said it was proper that every
Member who had not sworn should take the
Oath.

The Council was adjourned to Friday
the 1st of September.

Up to this period I have taken a
care to be entered ten Minutes,
in English. P. L. Wyllie